

Operating licence

Environment Protection Act 2017

Licence number	OL000011149
Issue date	24 February 1997
Last amended	10 October 2023
Expiry date	31 December 9999
Licence holder	AGL LOY YANG PTY LTD
ACN	077985758
Activity site(s)	BARTONS LANE, Traralgon, VIC, 3844, AU
Prescribed permission activities	K01 (Power generation) A05a (Landfills - excluding municipal landfills servicing <5000 people) C01 (Extractive industry and mining)

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



Motla Bellville Leshoele
Manager, Permissioning Projects and Improvements
Delegate of Environment Protection Authority Victoria (EPA)

epa.vic.gov.au

Environment Protection Authority Victoria
GPO BOX 4395 Melbourne VIC 3001
1300 372 842

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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.

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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 tables
- Appendix 6 – water discharge tables
- Appendix 7 – landfill cell table

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Conditions

General conditions

OL_G01	<p>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.</p>
OL_G02	<p>You must immediately notify the Authority by calling 1300 EPA VIC (1300 372 842) in the event of:</p> <ul style="list-style-type: none">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; orc) Any breach of the licence.
OL_G03	<p>You must notify the Authority within 48 hours of the occurrence of any the following:</p> <ul style="list-style-type: none">(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). <p>You must update your information in the EPA Interaction Portal if any other relevant administrative details for your business change.</p>
OL_G04a	<p>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).</p>
OL_G04b	<p>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:</p> <ul style="list-style-type: none">a) retained for five years; andb) made available to the Authority on request.
OL_G05	<p>1. You must develop a risk management and monitoring program for your activities which:</p> <ul style="list-style-type: none">(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;

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- (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_G07
- 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

- The risk management and monitoring program referenced in condition OL_G5 must be in accordance with Section A of the Landfill Licensing Guidelines (EPA Publication 1323). The risk management and monitoring program must be verified by a person who has been appointed as an environmental auditor under the Environment Protection Act 2017 and it must:
- OL_L01
- a) describe the environmental monitoring of landfill gas, leachate, groundwater, land, air, odour, noise, dust and surface water which will be undertaken to respond to the risks identified in the risk assessment;
 - b) contain trigger levels and contingency actions to prevent further pollution if trigger levels are exceeded; and
 - c) specify the frequency for completing environmental audits of the landfill operation.
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- OL_L02
- You must engage a person who has been appointed as an environmental auditor under the Environment Protection Act 2017 to conduct environmental audits of the nature and extent of the risk of harm to human health or the environment arising from landfill operation under Section 208 of the Act at the frequency specified in the monitoring program.
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- OL_L04
- Waters contaminated by leachate must not be discharged beyond the boundaries of the site.
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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_DA01.10.02	The discharge of indicators listed in the Appendix 5 – air discharge table must not exceed the corresponding discharge limits in that table, except for conditions OL_DA01.10.03 and OL_DA01.10.04
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OL_DA01.10.03	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.
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OL_DA01.10.04	The concentration of particles discharged from discharge point(s) 1 to 4 can only exceed 0.22 grams per normal cubic metre (based on 30-minute averages at 12% CO ₂) 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.
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OL_DA02	Visible emissions to air other than steam must not be discharged from the activity site, except as permitted by this licence.
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OL_DA04	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 to 4.
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OL_DA04.02	<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_DA01.10.02, 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_DA04 and a summary of the information in (a) for the preceding month. The summary of validated monitoring data must include: operating 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 operating 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.
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	e) Information and monitoring data must be retained at the premises for five years from the date of publishing.
OL_DL01.01.01	The groundwater quality objectives for sulfate, aluminium, total dissolved solids and chloride are not required to be met within the attenuation zone, as shown in Appendix 2.
OL_DL03.01	Deposit of wastes generated at the activity site must be in accordance with Appendix 7.
OL_DW02	Discharge of waste to surface waters must be in accordance with Appendix 6.
OL_G05.02	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_G06.02	You must: (a) provide the Authority with a financial assurance in a form and for an amount determined by the Authority, by a date specified by the Authority; and (b) maintain such financial assurance (including any part of such assurance) so that it can be claimed on, utilised or realised by the Authority as and when required.
OL_L22.01	You must prepare and implement a landfill and ash-pond rehabilitation plan that you provide to EPA by 31 December 2021. The plan must accord with the requirements of Section 8 of Best Practice Environmental Management, Siting, Design, Operation and Rehabilitation of Landfills (EPA Publication 788, released August 2015) and must be consistent with the mining rehabilitation plan approved under the Mineral Resources (Sustainable Development) Act 1990 (Vic). The plan must be verified by a person who has been appointed as an environmental auditor under the Environment Protection Act 1970 and must: a) outline the performance objectives and environmental performance measures for the rehabilitation of landfills and ash ponds; b) outline the key activities that will take place when rehabilitating the landfills and ash ponds; c) specify the proposed timeframes for key rehabilitation activities; d) specify the environmental management framework applied to the rehabilitation activities to ensure that the risks associated are adequately assessed and controlled; e) be revised and submitted to EPA at least every 5 years; or after a major variation to the plan as prescribed in EPA publication 1323.3.
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.

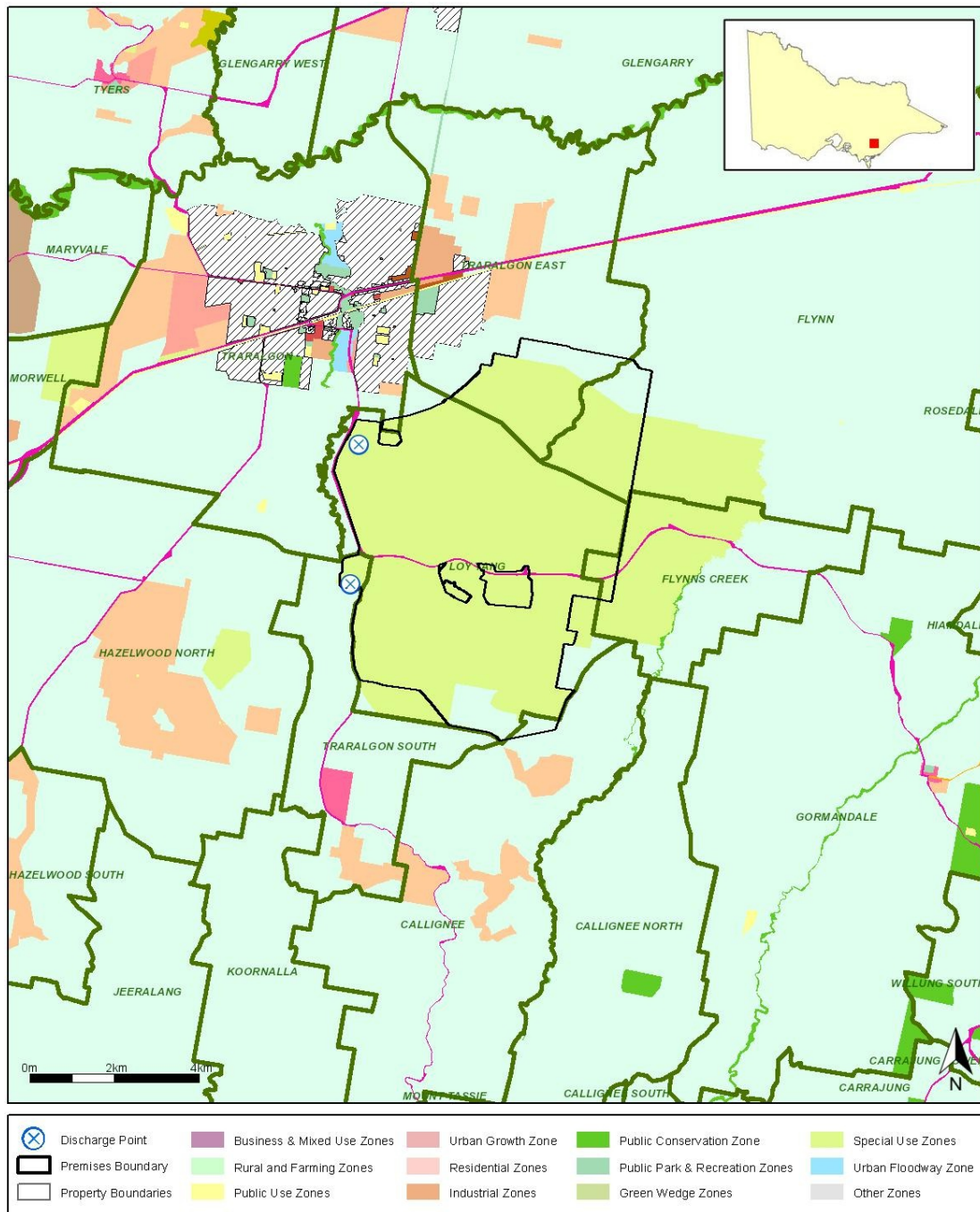
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Appendices

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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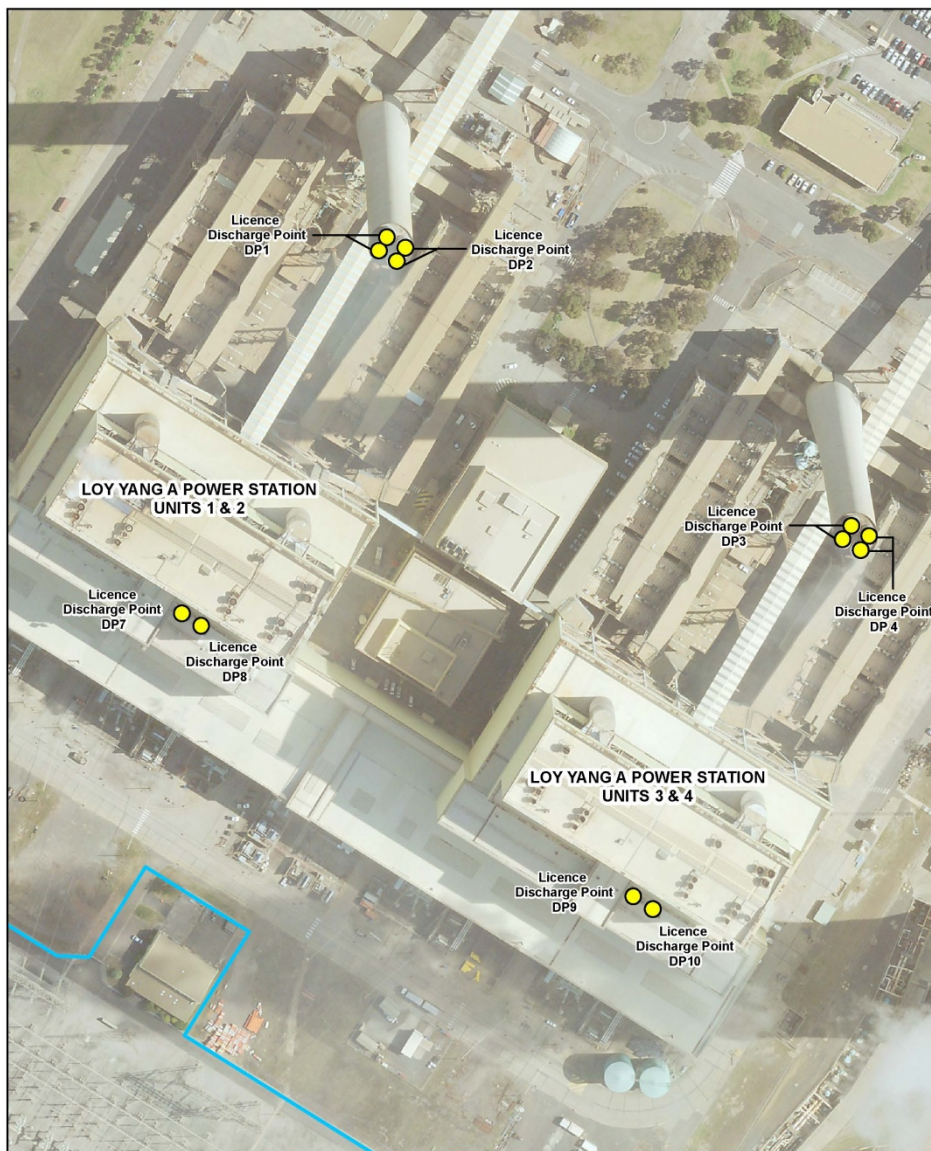
Appendix 2 – activity plan



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PLAN OF PREMISES
Enlargement A - Power Station



Legend

● Licence Discharge Point

AGL Loy Yang
EPA Licence 11149
Premises Boundary
Enlargement A - Power Station

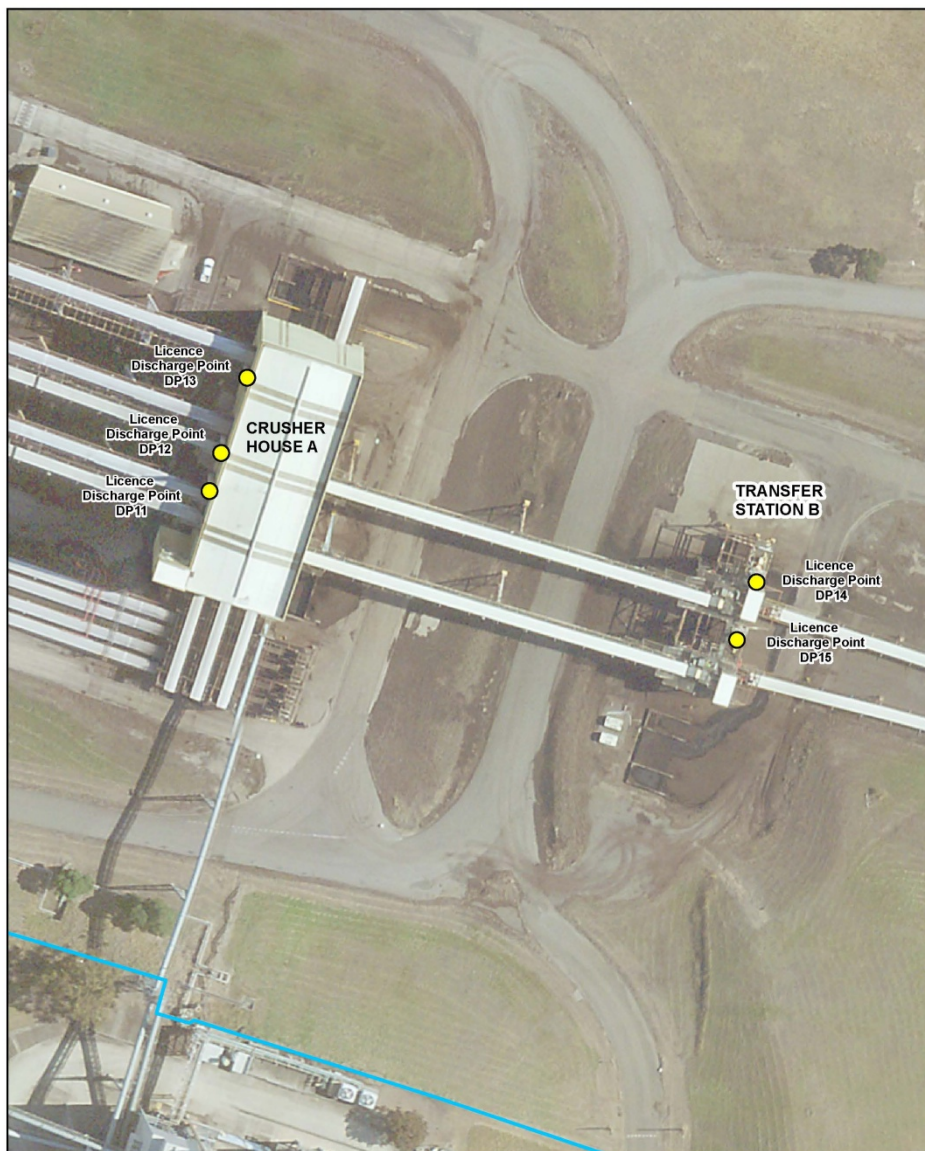


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PLAN OF PREMISES Enlargement B - Crusher Houses



Legend

● Licence Discharge Point

AGL Loy Yang
EPA Licence 11149
Premises Boundary
Enlargement B - Crusher Houses



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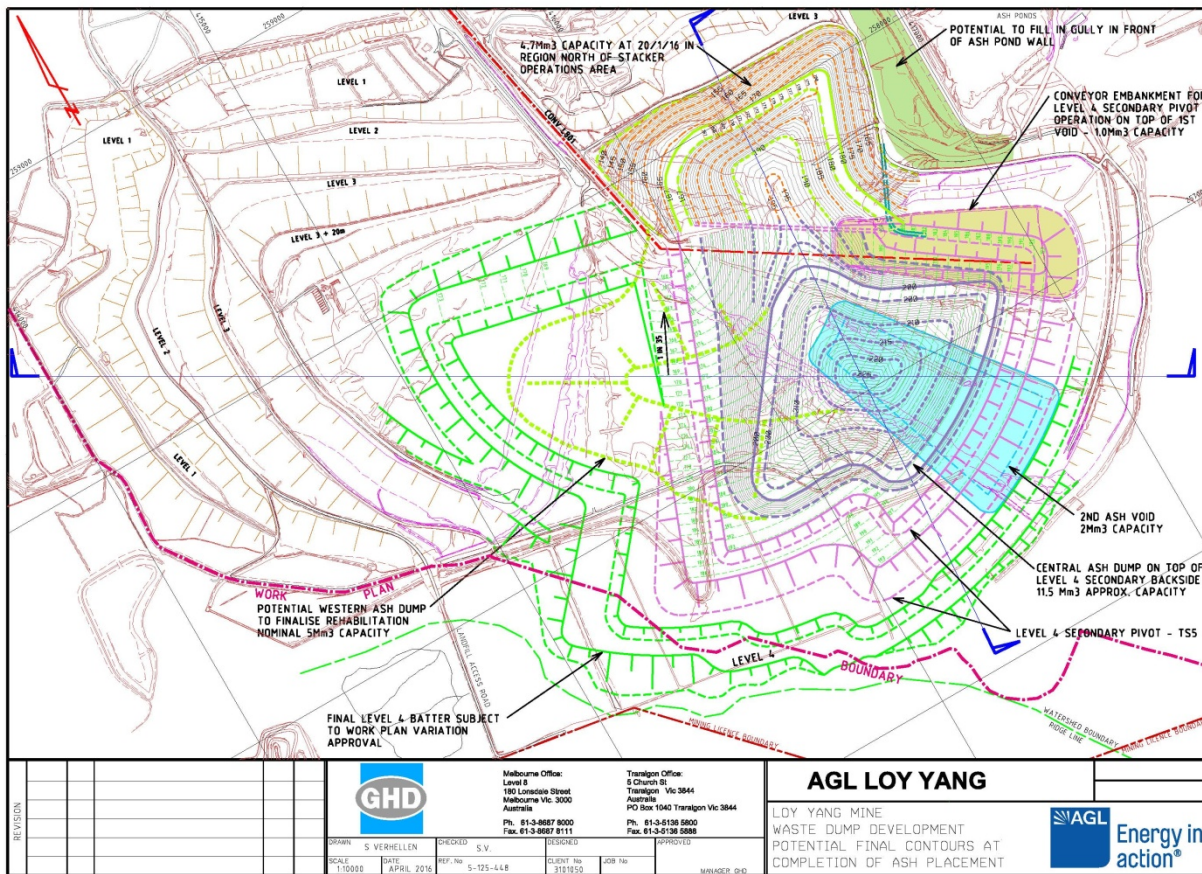


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Appendix 3 – contour plan



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Appendix 4 - waste acceptance table

Waste Code	Waste Description	Treatment Code	Treatment Description
N205	Residues from industrial waste treatment/disposal operations, including digestate, bottom ash and char	D22	Landfill disposal

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Appendix 5 – air discharge tables

Discharge Point ID	Discharge Point Name	Indicator	Limit Type	Unit	Discharge Limit
1 TO 15	Bubble limit for DPs 1 to 15	Particles	Maximum	g/min	40,500
1 TO 4	Bubble limit for DPs 1 to 4	Carbon monoxide	90th percentile	g/min	40,000
		Carbon monoxide	Maximum	g/min	121,600
		Chlorine compounds (as Chlorine)	Maximum	g/min	33,000
		Fluorine compounds (as HF)	Maximum	g/min	1,200
		Mercury and mercury compounds (as Hg)	Maximum	g/min	15
		Oxides of nitrogen (as NO ₂)	90th percentile	g/min	73,600
		Oxides of nitrogen (as NO ₂)	Maximum	g/min	96,500
		Particles	90th percentile	g/min	16,200
		Particles (as PM ₁₀)	Maximum	g/min	30,800

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Particles (as PM2.5)	Maximum	g/min	15,800
Sulfur dioxide	90th percentile	g/min	200,000
Sulfur dioxide	Maximum	g/min	400,000
Sulfur trioxide	Maximum	g/min	29,100

g/min = grams/minute

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

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Appendix 6 –water discharge tables

Discharge Point ID	Discharge Point Name	Indicator	Limit Type	Unit	Discharge Limit
L160	Combined SW and NW floc ponds discharge	Flow Rate	Mean	ML/day	5
L160	Combined SW and NW floc ponds discharge	Electrical conductivity	Annual median	µS/cm	550
L160	Combined SW and NW floc ponds discharge	Electrical conductivity	Maximum	µS/cm	660
L160	Combined SW and NW floc ponds discharge	pH	Maximum	pH	8.5
L160	Combined SW and NW floc ponds discharge	pH	Minimum	pH	6
L160	Combined SW and NW floc ponds discharge	Turbidity	Annual median	NTU	21
L160	Combined SW and NW floc ponds discharge	Turbidity	Maximum	NTU	80
Discharge Point ID	Discharge Point Name	Indicator	Limit Type	Unit	Discharge Limit

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L171	Settling pond & O/B runoff ponds disch.	Flow Rate	Mean	ML/day	40
L171	Settling pond & O/B runoff ponds disch.	Colour	Annual median	Pt-Co	44
L171	Settling pond & O/B runoff ponds disch.	Colour	Maximum	Pt-Co	70
L171	Settling pond & O/B runoff ponds disch.	Electrical conductivity	Annual median	µS/cm	900
L171	Settling pond & O/B runoff ponds disch.	Electrical conductivity	Maximum	µS/cm	1,320
L171	Settling pond & O/B runoff ponds disch.	pH	Maximum	pH	8.5
L171	Settling pond & O/B runoff ponds disch.	pH	Minimum	pH	6
L171	Settling pond & O/B runoff ponds disch.	Temperature above ambient	Above ambient	degree (C)	6
L171	Settling pond & O/B runoff ponds disch.	Turbidity	90th percentile	NTU	40

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L171	Settling pond & O/B runoff ponds disch.	Turbidity	Annual median	NTU	10
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deg = Degree

ML/D = Megalitre per day

NTU = Nephelometric Turbidity Units

pH = pH Units

Pt-Co = Platinum Cobalt Units

µS/cm = Microsiemens per centimeter

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Appendix 7 – landfill cells

Cell ID	Waste Code	Description	Hazard Code
CELL B	N205	Residues from industrial waste treatment/disposal operations, including digestate, bottom ash and char	
CELL C	N205	Residues from industrial waste treatment/disposal operations, including digestate, bottom ash and char	
CELL D	N205	Residues from industrial waste treatment/disposal operations, including digestate, bottom ash and char	
CELL E	N205	Residues from industrial waste treatment/disposal operations, including digestate, bottom ash and char	
CELL F	N205	Residues from industrial waste treatment/disposal operations, including digestate, bottom ash and char	
CELL G	N205	Residues from industrial waste treatment/disposal operations, including digestate, bottom ash and char	

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CELL H	N205	Residues from industrial waste treatment/disposal operations, including digestate, bottom ash and char	
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Cell ID	Waste Code	Description	Hazard Code
CELL I	N205	Residues from industrial waste treatment/disposal operations, including digestate, bottom ash and char	

Cell ID	Waste Code	Description	Hazard Code
CELL K	N205	Residues from industrial waste treatment/disposal operations, including digestate, bottom ash and char	

Cell ID	Waste Code	Description	Hazard Code
CELL L	N205	Residues from industrial waste treatment/disposal operations, including digestate, bottom ash and char	
