



INDEPENDENT ENVIRONMENTAL AUDIT REPORT

Regain Services Pty Ltd

MP 06_0050 MOD 2

29 September 2023

Revision 1

REG-003

Document Control Sheet

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1. EXECUTIVE SUMMARY

An Independent Environmental Audit of the Regain Spent Potlining Process Facility located at Tomago was conducted by Lana Shoesmith, Ardent Group, during the period 28 July to 15 August 2023. The objective of the audit was to determine the environmental performance and compliance status of the project, as required by Project Approval 06-0050 MOD 2 dated 22 August 2019. The scope of the audit included all key environmental regulatory requirements and assessed all for activities undertaken during the period to 31 July 2020 – 30 July 2023.

This is the third Independent Environmental audit conducted for the Project.

The audit found that the site complies with the Development Approval DA MP_060050 MOD 2; the Environmental Assessment, including Statement of Commitments; Environmental Protection Licences #13269 and #20976 and the Environmental Hazardous Chemicals Act Licence #88. There are well managed systems of documentation to address these legislative requirements and there was evidence to demonstrate that these are well implemented.

One non-compliance was identified relating to advising the Department in writing at least seven days prior to uploading the Independent Audit Report to the website.

This report presents the audit findings, with details included in the Audit Checklist attached in Appendix 1.

2 INTRODUCTION

2.1 Background

In 2001 the Development Consent (DA 4908/90) associated with the Tomago Aluminium smelter required that treatment of spent potlinings into non-hazardous waste or a useable product shall occur by 31 December 2007. In 2002 an SPL Demonstration Plant was established on the Tomago aluminium smelter site by Regain, with the purpose of developing process technology and product offtake markets. In 2004 an Environmental Licence was issued to Regain for processing SPL from Kurri Kurri and Tomago smelters under the *NSW Environmentally Hazardous Chemicals Act 1985*. In 2006 Tomago Aluminium Company and Regain applied to the Department of Planning (DoP) seeking declaration of a proposed upgrade of the SPL Processing Facility as a Major Project under Part 3A of the *Environmental Planning and Assessment Act 1979*.

In 2009 Tomago Aluminium Company and Regain established an Agreement to process SPL for a five year term after which the EA and Project Application were submitted and approved – DoP Project Approval 06_0050 (dated 7th August 2009). In 2010 the Project was put on hold due to a downturn in the aluminium smelting industry and construction did not commence. In 2015 work commenced on the SPL Processing Facility project with the implementation of site improvements and the installation of a Stormwater Catchment System.

In 2016 a modification was submitted removing the limitation of sources of SPL to be processed at the Tomago SPL facility (DoP Project Approval 06_0050 MOD 1) dated 16 November 2016).

The Regain Facility had been processing up to 20,000 tonnes per year of SPL operating under Project Approval 06_0050 MOD 1 and Environmental Protection Licence (EPL) #13269, issued under the *Protection of the Environment Operations Act 1997 (POEO Act)*. Due to industry demand, an application was made to DoP to increase processing capacity to 60,000 tonnes per year, which was granted 22 August 2019 (DoP Project Approval 06_0050 MOD 2), with an amended EPL issued 29/7/2020.

At the previous audit conducted in 2020, construction of the Stage 1 Process Plant had been completed and commissioning was underway. This involved construction and integration of the thermal plant, construction of stormwater system and ancillary components to facilitate an increase in production to 60,000 tonnes per year. The plant is currently in an extended commissioning period due to a requirement to adjust the cyanide emissions limit specified in EPL13269. This amendment is required as the aluminium industry has moved towards a harder cathode process resulting in greater cyanide emissions created during processing. It was advised by Regain personnel that communications with DPIE and NSW EPA are ongoing with respect to this EPL amendment.

Condition 30 of Project Approval 06_0050 MOD 2 requires audits be conducted in accordance with the approved Independent Audit Program, which specifies a frequency of every three years. The current audit was conducted in accordance with the NSW Department of Planning, Industry and Environment *Independent Audit Post Approval Requirements (May 2020)*.

The Independent Environmental Audit was conducted by Lana Shoesmith, General Manager Audits and Compliance, Ardent Group. Lana is a Certified Environmental Practitioner (CEnvP #092) and registered Master Environmental Auditor (Exemplar Global #12299) with over 25 years' industry experience including mining, construction, power, water, waste and manufacturing, and includes over 20 years environmental auditing experience. Lana holds a Bachelor of Science (Honours); Post-graduate Diploma Environmental Management; and a Graduate Certificate in Waste Management.

A declaration of independence is attached at Appendix 2.

The auditor was approved by the Department of Planning and Environment in a letter dated 14th April 2023 (attached Appendix 3).

The Department confirmed that no technical specialists were required.

2.2 Audit Objective

The objective of the audit was to satisfy Conditions 29 and 30 of the Project Approval MP 06_0050 MOD 2 (dated 22 August 2019) by conducting an Independent Environmental Audit to determine the environmental performance and compliance status of the project.

2.3 Audit Scope

The audit scope was established in accordance with the requirements specified by the NSW Department of Planning, Industry and Environment *Independent Audit Post Approval Requirements (May 2020)*, section 3.2.

The scope included assessing compliance with:

- Project Approval 06_0050 dated 7 August 2009
- Notice of Modification MP 06_0050 MOD 1 dated 16 November 2016
- Notice of Modification MOD 2 06_0050 MOD 2 dated 22 August 2019
- The Environmental Assessment: Capacity Increase at the Regain Spent Potlining Facility, Tomago dated 13 November 2018, in particular:
 - the Statement of Commitments
 - Comparison of actual impacts compared to predicted impacts documented in the Environmental Assessment
- Project Layout Plans and Drawings, as shown in Appendix A, MOD 2 06_0050 MOD 2 dated 22 August 2019, including the extent of the development in comparison with the approved boundary
- Licence Number 88 dated 11 July 2020 issued under *Environmentally Hazardous Chemicals Act 1985* (Note: - renewed 7 July 2023 and now #1630208)
- General obligations specified in the *Protection of the Environment Operations Act 1997*
- DECC *Waste Classification Guidelines*
- Implementation and adequacy of the Operations Environmental Management Plan dated 21 January 2023 (OEMP)
- Implementation of the previous Independent Audit Findings (Independent Environmental Audit Report. Regain Services Pty Ltd MP 06_0050 MOD 2 dated 28 August 2020 REG-002 – referred to as “2020 Independent Audit Report” in the current report)

Although the *Independent Audit Post Approval Requirements (May 2020)* specifies that the scope should exclude environmental protection licences (EPL’s) issued under the *Protection of the Environment Operations Act 1997*, Regain’s OEMP and associated environmental management documentation refer to the implementation of controls that address the EPL’s. The Environmental Assessment Commitments also make reference to compliance with the EPL. Therefore, the Master Auditor determined that the assessment of compliance with the EPL’s to be an important component of the overall environmental performance obligations that should be audited as part of the audit scope. The EPL’s are:

- Environmental Protection Licence #13269 dated 29 July 2020 – Resource Recovery, Waste Storage
- Environmental Protection Licence #20976 dated 8 August 2017 – Transport of Trackable Waste

2.4 Audit Period

As specified in a letter from the Department (14/4/23) the audit period was from 31 July 2020 to the audit inspection date (31st July 2023). Appendix 3 contains the Auditor Letter of Approval.

2.5 Audit Methodology

The Independent Environmental Audit of the Regain Spent Potlining Process Facility was conducted during the period 28 July 2023 – 15 August 2023.

The audit was conducted in accordance with the NSW Independent Audit Post Approval Requirements (May 2020). The principles detailed in *AS/NZS ISO19011:2019 Guidelines for Auditing Management Systems* were adhered to as these are suitable for conducting legal compliance audits.

Prior to the audit, a request for documents was made which included the higher-level documents such as the Operations Management Plan. These were reviewed to determine items that needed to be assessed for compliance. A review of the audit checklist provided to the Department attached to the Independent Audit Program was conducted and the audit checklist was updated to incorporate all items within the audit scope, as specified in this audit report.

During the audit, a document review was completed, relevant records were reviewed, interviews with site personnel were conducted and a site inspection was undertaken. The audit checklist was progressively completed. During the site inspection, photographs were taken. Following completion of the audit, a detailed report was prepared.

The audit objective and scope were able to be achieved in full; with no restrictions in access to records, documents or reviewing site activities.

2.6 Reporting

This audit report follows the format specified in the *Independent Audit Post Approval Requirements* (May 2020).

Appendix 1 details the evidence reviewed in an audit checklist (documents, records, interviews and observations) which addresses each requirement within the audit scope, and provides a detailed assessment of compliance for each condition.

Each requirement was assessed and the following categories were used:

- Compliant – sufficient verifiable evidence was provided to demonstrate that the requirements specified within a Condition have been met.
- Non-compliant – sufficient verifiable evidence was provided to demonstrate that the requirements specified in the condition have not been met.
- Not triggered – condition where the activities specified in the condition have not yet been undertaken.

3 FINDINGS

3.1 Approval and Document List

The following requirements are listed, as per the audit scope in section 2.4 of this audit report.

- Project Approval 06_0050 dated 7 August 2009
- Notice of Modification MP 06_0050 MOD 1 dated 16 November 2016
- Notice of Modification MOD 2 06_0050 MOD 2 dated 22 August 2019
- The Environmental Assessment: Capacity Increase at the Regain Spent Potlining Facility, Tomago dated 13 November 2018
- Project Layout Plans and Drawings, as shown in Appendix A, MOD 2 06_0050 MOD 2 dated 22 August 2019
- Environmentally Hazardous Chemicals Licence Number 88 dated 11 July 2020
- Environmental Protection Licence #13269 dated 29 July 2020
- Environmental Protection Licence #20976 dated 8 August 2017
- Operations Environmental Management Plan dated 21 January 2023

Supporting documents reviewed are referenced in the audit checklist, attached in Appendix 1.

3.2 Compliance Performance

Regain operates under a management system that complies with ISO14001:2015, ISO45001:2018 and ISO9001:2015. There was evidence of a well implemented system of documentation and records that were able to demonstrate compliance with the requirements specified in this audit scope.

It was found that the site demonstrated compliance with the Project Approval MP_060050 (including MOD 1 and MOD 2; the Environmental Assessment including the Statement of Commitments; Environmental Protection Licences #13269 and #20976; and the Environmental Hazardous Chemicals Act Licence #88. The site also demonstrated compliance with the requirements specified in the Operations Environmental Management Plan.

Compliance with the general obligations specified in the *Protection of the Environment Operations Act 1997* and the DECC *Waste Classification Guidelines* was also observed.

Zero non-compliances were identified.

3.3 Agency Notices

No penalty notices or prosecutions in relation to environmental performance have been issued during the audit period.

3.4 Non-compliances

One non-compliance (#NC001) was identified during the audit. Condition 31(c) requires that each Independent Audit Report and response to it is publicly available no later than 60 days after submission to the Department *and notify the Department in writing at least seven days before this is done*. The 2020 Independent Audit Report was made publicly available via the Regain Tomago Capacity Increase Project website no later than 60 days after submission however no written notification of this action was provided to the Department at least seven days before it is completed.

It is recommended that this action to advise the Department in writing at least seven days before making the Independent Audit Report publicly available on the website be noted as a requirement in the "actions required" list relating to management of the audit report.

3.5 Previous Audit Recommendations

A review of the status of actions conducted arising from the previous Independent Audit Report findings from the 2020 audit showed one opportunity for improvement had been raised which noted that Cadmium is not specified in Condition M2.2 air monitoring requirements despite it being listed in the Air Concentration Limits table at Condition L2.2. Cadmium was also not listed in the annual return, despite being assessed during the biannual monitoring program. Regain agreed to include this in a licence variation, in response to the 2020 Independent Audit findings. NSW EPA advised that this be included at the same time the licence variation application of the Air Emissions Verification Report was submitted (EPL Condition 8 – Pollution Studies and Reduction Programs). The Air Verification Report is not yet required due to an extended commissioning phase and therefore the opportunity for improvement raised during the last audit has yet to be closed out. This is deemed appropriate, given the circumstances.

3.6 Adequacy of Environmental Plans

The key environmental document that Regain operates under is the Operations Environmental Management Plan which includes a Stormwater Management Plan, Pollution Incident Response Management Plan, Air Quality Management Plan and an Erosion and Sediment Control Plan. These plans were found to be recently reviewed and well implemented.

It was found that the environmental plans and associated sub-plans for construction and operations adequately addressed all requirements and found to be in line with general industry standards. Regain's certified management system compliant with ISO14001:2015, ISO45001:2018 and ISO9001:2015, provides the framework for a well implemented system of documentation. Records for monitoring and inspection, training, competency, maintenance and correspondence were readily available and sufficiently detailed to demonstrate compliance with the requirements specified in this audit scope.

No opportunities for improvement relating to the environmental documentation were identified.

3.7 Environmental Performance

There was no evidence of environmental pollution to air, stormwater, surface water, groundwater or soil. Appropriate monitoring has been conducted to support these findings. It was noted that the potential environmental impacts identified in the Environmental Assessment for the SPL Capacity Increase at the Regain Spent Potlining Facility (November 2018) were adequately controlled in line with the Statement of Commitments made within the Environmental Assessment. There was no evidence that the activities extended beyond the approved boundary of the development Project. No off-site impacts were observed, nor had any been reported during the audit period.

The site operates under waste guidelines managed by Tomago Aluminium Company. Minimal waste is generated. Waste materials are assessed and classified at the site in accordance with the NSW DECC Waste Classification Guidelines. No concerns have been raised by the Tomago Aluminium Company in relation to waste management conducted by Regain.

3.8 Consultation Outcomes

Section 3.2 of the *Independent Audit Post Approval Requirements (May 2020)*, requires that the Department be consulted to confirm the scope of the audit. Multiple phone calls were made to the designated officers however no response was received until 26/9/2023, as documented in Appendix 4. It was for this reason that the finalisation of the audit report was delayed.

A discussion with Jennifer Sage (Senior Compliance Officer, Development Assessment, Department of Planning and Environment (DPIE)) occurred 26/9/2023 confirming that no further consultation would be required in relation to the scope of the audit and no modification to the scope was needed. It was also confirmed that technical experts were not required.

3.9 Environmental Complaints

No community environmental complaints have been received during the audit period.

3.10 Environmental Incidents

No environmental incidents have been reported during the audit period. There have been no environmental incidents reported, and no non-compliances have been identified during the audit period.

3.11 Actual vs Predicated Environmental Impacts

There was no evidence of disparity between actual and predicted environmental impacts, as documented in the Environmental Assessment. Potential environmental impacts were well controlled in line with the stated commitments.

3.12 Site Inspection

The site inspection verified compliance with the Operations Environmental Management Plan. The entire Regain compound was inspected.

It was noted that the site was completely hard standing and fully bunded. Any water is drained to a sump and contains the first flush. Water is collected into a tank and recycled through the process. Any sediment is captured and used in the process transforming the SPL to product.

Spill kits were in place. There was no evidence of spillage. Shed 5 contains the SPL and Shed 6 contains the product. These sheds are well maintained with no evidence of deterioration and have rumble grids at the entrance of each shed. Shed 5 has negative pressure and this was observed. Loading of product into shipping containers occurs within Shed 6. The product is kept in a damp state to avoid dust.

There was no evidence of dust sighted during the site inspection and there was no evidence of build-up of material on the hard standing area. Sweepers are contracted to operate twice weekly. Collected material is then utilised in the process.

Minimal waste is generated. Waste is disposed of in the appropriate Tomago Aluminium Company bins and disposed of in line with their Waste Management System, which is compliance with the DECC *Waste Classification Guidelines*. This is audited as part of the Tomago Aluminium Company's EMS requirements.

There was a minor quantity of oils and greases stored in a container with appropriate bunding. No spillage of oils and greases was observed.

There was no evidence of off-site impacts.

During the site inspection no deliveries of product were observed. It was advised that trucks are covered. No deliveries occurred on the day of the audit and therefore could not be directly observed.

Specific detail relating to Conditions is documented in the audit checklist (Appendix 1). The Operations Manager and the Director attended the site audit inspection.

3.13 Site Interviews

Site interviews were conducted, including the Director and Operations Manager. Interview evidence was verified through reviewing documents, records and observations made during the site inspection. Evidence provided during the site interviews is documented in the audit checklist (Appendix 1).

3.14 Compliance Report Recommendations

Compliance Reporting Post Approval Requirements (Department 2020) specify that compliance reports are required for operations. As operations under the 06_0050 MOD 2 have not yet commenced, compliance reporting has not been required.

Annual returns for the Environmentally Hazardous Act Licence #88 and the EPL's 13269 and #20976 confirm compliance with statutory requirements.

3.15 Opportunities for Improvement

It is noted that Cadmium is not specified in Condition M2.2 air monitoring requirements despite it being listed in the Air Concentration Limits table at Condition L2.2. Cadmium is also not listed in the annual return, despite being assessed during the biannual monitoring program. **An opportunity for improvement** is during the current EPL review, update the EPL to establish consistency between the air concentration limits (L2.2), the air monitoring requirements (M2.2) and the annual report template. This was raised in the 2020 audit, however it has been agreed with the NSW EPA that this EPL amendment should occur at the same time as the amendment relating to the post-commissioning Air Verification Report. As commissioning is not yet completed, this air verification report has also not been completed.

3.16 Key Strengths

Regain operates under a management system compliant with ISO14001:2015, ISO45001:2018 and ISO9001:2015, which has been re-certified (expiry 15/3/26). Well detailed management plans address the legislative requirements applicable to the Project. Systems of record keeping are in place that are working effectively which enable Regain to demonstrate compliance.

The site interviews highlighted that key personnel on site are well aware of the requirements established under 06_0050 MOD 2 and other relevant environmental requirements. It is apparent that the key personnel strive to ensure that compliance can be demonstrated for all specified requirements.

The site inspection revealed a well-managed site. Clear compliance with the Operations Management Plan was evident.

4 CONCLUSION AND RECOMMENDATIONS

The audit found that Regain demonstrated compliance with the Development Approval MP06_0050 MOD 2; the Environmental Assessment, including Statement of Commitments; Environmental Protection Licences #13269 and #20976 and the Environmental Hazardous Chemicals Act Licence #88. There are well managed systems of documentation to address these legislative requirements and there was evidence to demonstrate that these are well implemented.

One non-compliance (#NC001) was identified relating to advising the Department in writing at least seven days prior to uploading the Independent Audit Report to the website.

An opportunity for improvement was raised relating to updating the ELP #17269 to ensure consistency between air emission limits, monitoring and annual reporting requirements.

As required by Condition 31 of MP 06_0050, this audit report must be reviewed and respond to, with the report and response submitted to the Department by 30 September 2023.

Appendix 1 Audit Checklist

Approval ID	Requirement	Evidence Collected	Independent Audit Findings and Recommendations	Compliance Status
Project Approval MP 06_0050, as modified				
MP06_0050 Schedule 2 Condition 1	The proponent shall implement all reasonable and feasible measures to prevent and/or minimise any harm to the environment that may result from the construction and/or operation of the project.	Listed throughout this audit checklist.	Regain operates under a management system that complies with ISO14001:2015, ISO45001:2018 and ISO9001:2015, which has been certified (16 March 2020) and re-certified (16 March 2023). There was evidence of a well implemented system of documentation and records that were able to demonstrate compliance with the requirements specified in this audit scope. The Operations Environmental Management Plan is a key document to prevent and/or minimise environmental harm.	Compliant
MOD 2 Schedule 2 Condition 2	The proponent shall carry out the project generally in accordance with the: a) Project Application 06_0050 b) EA c) MOD 1 d) MOD 2 e) Project layout plans and drawing listed in Appendix A f) Statement of commitments listed in MOD 2; and g) Conditions of this approval.	Reported throughout this audit checklist.	Evidence reviewed during the current audit demonstrated that the project is being carried out in accordance with the: a) Project Application 06_0050 b) EA c) MOD 1 d) MOD 2 e) Project layout plans and drawing listed in Appendix A f) Statement of commitments listed in MOD 2; and g) Conditions of this approval.	Compliant

Approval ID	Requirement	Evidence Collected	Independent Audit Findings and Recommendations	Compliance Status
MP06_0050 Schedule 2 Condition 3	If there is any inconsistency between the above, the conditions of this approval shall prevail to the extent of any inconsistency.	No inconsistencies were identified.	Not applicable.	Not Triggered
MP06_0050 Schedule 2 Condition 4	The proponent shall comply with any reasonable requirement/s of the Planning Secretary arising from the Department's assessment: <ul style="list-style-type: none"> Any reports, plans, strategies, programs or correspondence that are submitted in accordance with this approval; and The implementation of any actions or measures contained in these reports, plans, strategies, programs or correspondence. 	Interview response (from Operations Manager) noted that there have been no requirement/s from the Planning Secretary in relation to submitted reports, plans, strategies, programs and correspondence or the implementation of the actions and measures contained within the reports, plans, strategies, programs and correspondence.	Not applicable.	Not Triggered
MOD 2 Schedule 2 Condition 5	The proponent must not receive or process more than 60,000 tonnes of SPL per year.	Environmentally Hazardous Chemicals Act Licence #88 Annual Report – July 2020 (116GO54 v1 – 4 September 2020) Annual Report – July 2021 (116G056 v1.0 – 7 September 2021) Annual Report – July 2022 (116CO56 v1 – 8 September 2022)	A review of the annual reports of the Environmentally Hazardous Chemicals Act Licence #88 showed that the quantity of aluminium smelter waste processed and the quantity of product produced was less than 60,000 tonnes of SPL per year (MP06_0050 limit) for each of the annual reporting years in the current audit period. (26,568.02t, 29,613.98t, 49,372.02t)	Compliant
MP06_0050 Schedule 2 Condition 6	The SPL Recycling Facility shall recycle SPL into non-hazardous waste or a useable product.	Environmentally Hazardous Chemicals Act Licence #88 Annual Report – July 2020 (116GO54 v1 – 4 September	SPL has been processed into HiCAI – 30; a carbon material rich in alumina, silica, sodium and fluorine that is used in the cement industry.	Compliant

Approval ID	Requirement	Evidence Collected	Independent Audit Findings and Recommendations	Compliance Status
		2020) Annual Report – July 2021 (116G056 v1.0 – 7 September 2021) Annual Report – July 2022 (116CO56 v1 – 8 September 2022)	Aluminium metal and steel is also produced during the process, which is recycled. A description of the treatment process is included in the Annual Reports. The Annual Reports also contain the SDS for HiCal 30.	
MP06_0050 Schedule 2 Condition 7	With the approval of the Planning Secretary, the Proponent may submit any management plan required by this approval on a progressive basis.	The details of submission of management plans are listed throughout this audit checklist.	Management Plans have been lodged at the required stage.	Not Triggered
MP06_0050 Schedule 2 Condition 8	The proponent shall ensure that all new buildings and structures on the site are constructed in accordance with the relevant requirements of the BCA. <i>Notes:</i> <ul style="list-style-type: none"> • <i>Under part 4A of the EP&A Act, the Proponent is required to obtain construction and occupation certificates for the proposed building works</i> • <i>Part 8 of the EP&A Regulation sets out the requirements for the certification of the project.</i> 	Letter dated 7 April 2020 to Regain Services attaching the Construction Certificate No:20004 in relation to MP06_0050 & MP06_0050 MOD 2; noting that a copy has been forwarded directly to Council for its records (Independent Audit Report, 2020). Construction Certificate No. 20004 certifying that the works completed comply with the requirements of the <i>Environmental Planning and Assessment Regulation 2000</i> as referred to in section 81A (5) of the <i>Environmental Planning and Assessment Act 1979</i> (Independent Audit Report, 2020).	Thermal Treatment Plant 2 and associated structures on the site have been certified as constructed in accordance with the relevant requirements of the BCA. All new buildings and structures on site have addressed relevant requirements of the BCA, including construction and occupation certificates.	Compliant

Approval ID	Requirement	Evidence Collected	Independent Audit Findings and Recommendations	Compliance Status
		Occupation Certificate No. 20004, dated 25/8/22, as required by the <i>Environmental Planning and Assessment Act 1979</i> .		
MP06_0050 Schedule 2 Condition 9	Prior to the construction of any utility works, the Proponent shall obtain the relevant approvals from the service providers, including Hunter Water.	<p>Letter dated 11 December 2018 confirms that the issues relevant to Hunter Water have been sufficiently addressed in the Environmental Assessment. (Independent Audit Report, 2020).</p> <p>Email from Account Manager Major Development, Hunter Water Corporation sent 26 March 2020 to Regain confirming that Hunter Water is satisfied with the Environment Assessment in relation to the Spent Potliner (SPL) Recycling Facility MP06_0050 MOD 2 and has no comments. (Independent Audit Report, 2020).</p>	Hunter Water was consulted as part of the Environmental Assessment process for MOD 2. No approvals from Hunter Water were required.	Not Triggered
MP06_0050 Schedule 2 Condition 10	<p>The Proponent shall ensure that all plant and equipment used on the site is:</p> <ul style="list-style-type: none"> • Maintained in a proper and efficient condition; and • Operated in a proper and efficient manner. 	<p>Interview Operations Manager</p> <p>Examples of work orders were sighted e.g. 1500 hour inspection and maintenance of dust collector 24/2/22; drain maintenance – Veolia 23/7/23; stormwater tank 18/1/23</p>	Regain manages maintenance scheduling via the Winchill Maintenance System – a lifecycle management system used on an ongoing basis. Programmed maintenance is conducted. Work orders are scheduled. Details of work to be performed, including checks are detailed. Procedures are in place in the	Compliant

Approval ID	Requirement	Evidence Collected	Independent Audit Findings and Recommendations	Compliance Status
			form of safe work check sheets. There was no evidence to indicate that plant and equipment is not maintained and operated in a proper and efficient manner.	
MP06_0050 Schedule 3 Condition 11	The Proponent shall comply with Section 120 of the <i>Protection of the Environment Operations Act 1997</i> .	https://apps.epa.nsw.gov.au/pr/poeoapp/ Annual Return 2020 dated 30/12/20 Annual Return 2021 dated 23/12/21 Annual Return 2022 dated 22/12/22	No breaches of the <i>Protection of the Environment Operations Act 1997</i> have occurred. A search of the Environment Protection licences, applications, notices, audits or pollution studies and reduction programs showed that no notices have been issued. Annual returns lodged for the reporting period demonstrate compliance with the EPL. Site inspection conducted in this audit did not identify any breaches with Section 120 of the <i>Protection of the Environment Operations Act 1997</i> .	Compliant
MP06_0050 Schedule 3 Condition 12	All SPL waste must be stored and processed under cover or within the thermal treatment plant	Site inspection (photos) Operational Environmental Management Plan (OEMP) (116C004 v8.2 dated 21 January 2023) Table 7.	The site inspection confirmed that all SPL waste is stored in shed 5. SPL waste is processed in the thermal treatment plant and stored in shed 6. Sheds are in good condition with appropriate roofing. OEMP Table 7 specifies storage and handling requirements for SPL waste which include being kept under cover in Shed 5.	Compliant

Approval ID	Requirement	Evidence Collected	Independent Audit Findings and Recommendations	Compliance Status
MP06_0050 Schedule 3 Condition 13	All chemicals, fuels and oils shall be stored in appropriately bunded areas, with impervious flooring and sufficient capacity to contain 110% of the largest container stored within the bund. The bunds shall be designed and installed in accordance with the requirements of all relevant Australian Standards; and the DECC's <i>Storing and Handling Liquids: Environmental Protection, Participants Manual</i> .	Site inspection (photo) Operational Environmental Management Plan (OEMP) (116C004 v8.2 dated 21 January 2023) Table 7.	Minor quantities of oils and grease are stored in the designated area inside a shipping container. Chemical, fuel and oil containers are stored on bunded trays inside a designated container. Hazardous substances storage requirements are specified in Table 7 of the OEMP requiring bunding, with impervious flooring and capacity to contain 100% of the largest container. These were sighted in the inspection.	Compliant
MP06_0050 Schedule 3 Condition 14	Erosion and sediment control at the site during construction shall be consistent with the requirements of Landcom's (2004) <i>Managing Urban Stormwater: Soils and Construction manual</i> .	No construction occurred during the audit period. Erosion and Sediment Control Plan (246C004 v2.2) dated 1 November 2019. (Independent Audit Report, 2020). Audit Report – Project HSE Construction Environmental Management Plan Tomago Aluminium SPL Processing Facility 24/6/20. (Independent Audit Report, 2020).	No construction occurred during the current audit period. Confirmed that this condition was compliant during the previous audit period when construction activities occurred. The Erosion and Sediment Control Plan (ESC Plan) was included as Appendix C in the CEMP. It was noted that the ESC Plan covers the requirements of the Landcom (2004) <i>Managing Urban Stormwater: Soils and Construction manual</i> . Construction occurred during the April – July 2020 period. No construction occurred during the current audit period.	Not Triggered

Approval ID	Requirement	Evidence Collected	Independent Audit Findings and Recommendations	Compliance Status
MP06_0050 Schedule 3 Condition 15	<p>Stormwater Management Plan The Proponent shall prepare and implement a Stormwater Management Plan for the project to the satisfaction of the Director-General. This plan must:</p> <p>(a) Be submitted to the Director-General for approval prior to construction;</p> <p>(b) Be prepared by a suitably qualified and experienced person in consultation with Council; and:</p> <ul style="list-style-type: none"> • Include details of erosion and sediment control during construction; • Include detailed plans of the stormwater management system for the project; • Ensure the SPL facility is constructed so that the truck loading areas are bunded to prevent contamination of nearby stormwater drains; • Describe the storage areas for SPL including details of how SPL will be kept dry and secure (to ensure protection of the groundwater); and • Describe the procedures for the installation, inspection and maintenance of the stormwater system; • Describe the monitoring that occurs at the site which would detect any discharges that may affect water quality. 	<p>Letter dated 17/10/18 from NSW Planning & Environment Reference MP 06_0050, #11637 (Independent Audit Report, 2020).</p> <p>Audit Report – Project HSE Construction Environmental Management Plan Tomago Aluminium SPL Processing Facility 24/6/20. (Independent Audit Report, 2020).</p>	<p>Requirements were addressed during the previous audit period.</p> <p>Letter dated 17/10/18 from NSW Planning & Environment Reference MP 06_0050, #11637 confirming that the Stormwater Management Plan had been submitted in 2017.</p> <p>The Stormwater Management Plan was reviewed during the 2017 Independent Environmental Audit and it was found that the plan addressed all requirements specified in Condition 15 (b).</p> <p>Audit conducted during the construction period noted that the stormwater management plan and erosion and sediment control measures were implemented.</p> <p>The Stormwater Management Plan covers the requirements of the SPL Processing Facility at Tomago Aluminium Smelter and addresses MP 06_0050 and the TAC EPL #13269.</p>	Compliant
MOD 2 Schedule 3 Condition 15A.	<p>Prior to the commencement of Stage 1 operations, the Proponent must design, install and operate a stormwater management system (SMS) for the project. The SMS must:</p> <p>a) be designed by a suitably qualified and experienced person(s) whose appointment has been endorsed by the</p>	<p>Tomago Aluminium SPL Processing Facility Stormwater Management Plan (116C011 v2.2 – 20 October 2019). (Independent Audit Report,</p>	<p>Stage 1 operations have not yet commenced. Requirements of this condition were addressed during the previous audit period.</p>	Compliant

Approval ID	Requirement	Evidence Collected	Independent Audit Findings and Recommendations	Compliance Status
	<p>Planning Secretary;</p> <p>b) be in accordance with the Project as modified by MOD 2 and the plans at Appendix A of this approval;</p> <p>c) be in accordance with applicable Australian Standards; and</p> <p>d) ensure that the system capacity has been designed in accordance with Australian Rainfall and Runoff (Engineers Australia, 2016) and <i>Managing Urban Stormwater: Council Handbook</i> (EPA, 1997) guidelines.</p>	<p>2020).</p> <p>Letter dated 7/11/19 from Department of Planning, Industry & Environment confirming approval of engineers to design the Stormwater Management System to address Condition 15A. (Independent Audit Report, 2020).</p>	<p>Mr Ronald Klok and Mr Stephen Moylan from Arkhill Engineers were approved by the Planning Secretary and deemed to have the appropriate skills and experience to design the stormwater management system.</p> <p>Works as executed drawing signed by registered surveyor on 26/5/20. This was submitted to the certifying authority via email on 4/8/20 prior to commencement of Stage 1 operations.</p> <p>The stormwater management system is a first flush capture system to collect potentially contaminated water. The captured water is used as process water for the SPL processing plant. Any solid material collected in the sump is recovered and incorporated into the SPL Processing Facility. The entire site is bunded.</p> <p>Evidence demonstrated compliance with condition 15A for the design and installation.</p>	

Approval ID	Requirement	Evidence Collected	Independent Audit Findings and Recommendations	Compliance Status
MOD 2 Schedule 3 Condition 15B	Prior to the commencement of Stage 1 operations, works-as-executed drawing signed by a registered surveyor must be submitted to the certifying authority demonstrating the stormwater and drainage and finished ground levels have been constructed as approved.	<p>Email dated 4 August 2020 from Regain to Robert Ball & Associates (certifying authority) attaching a copy of the executed works drawing, signed by the registered surveyor.</p> <p>Robert Ball & Associates are Accredited Building Certifiers and are a Principal Certifying Authority. (Independent Audit Report, 2020).</p> <p>Arkhill Engineers drawing 116TD168 “approved for construction” drawing stamped “works as executed levels shown in red 26-05-20” signed by registered surveyor (David Cant). (Independent Audit Report, 2020).</p>	<p>Requirements of this condition were addressed during the previous audit period. Stage 1 operations have not yet commenced.</p> <p>Works as executed drawing signed by registered surveyor on 26/5/20.</p> <p>This was submitted to the certifying authority via email on 4/8/20 prior to commencement of Stage 1 operations.</p>	Compliant
MOD 2 Schedule 3 Condition 15C	The surface water management system must be operated and maintained for the duration of the project.	<p>Site inspection (photos).</p> <p>Regain Tomago Site Inspection reports e.g. 1/12/20, 15/6/21, 7/2/23.</p>	<p>The captured water is used as process water for the SPL processing plant. Any solid material collected in the sump is recovered and incorporated into the SPL Processing Facility. The entire site is bunded.</p> <p>Housekeeping site inspection report note stormwater system and drains were clean.</p> <p>Site audit inspection noted that the hardstand was free from material, drains were clear and</p>	Compliant

Approval ID	Requirement	Evidence Collected	Independent Audit Findings and Recommendations	Compliance Status
			the bunding was intact.	
MOD 2 Schedule 3 Condition 16	<p>At least one month prior to the commencement of Stage 1 construction of the Project as modified by MOD 2 (except for construction of those preliminary works that are outside the scope of the hazard studies), or within such further period as the Planning Secretary may agree, the Proponent must prepare and submit for the approval of the Planning Secretary the studies set out under subsections 16(a) to 16(c) below (the preconstruction studies). Construction, other than the preliminary works that are outside the scope of the hazards studies must not commence until approval has been given by the Planning Secretary.</p> <p>a) A Hazard and Operability Study for the Project inclusive of MOD 2, chaired by a qualified person, independent of the Project, approved by the Planning Secretary prior to the commencement of the study. The study shall be carried out in accordance with the Department's Hazardous Industry Planning Advisory Paper No. 8, "HAZOP Guidelines". The study report must be accompanied by a program for the implementation of all recommendations made in the report. If the Proponent intends to defer the implementation of a recommendation, reasons must be documented. The study must include and not be limited to concurrent operation of the new and existing thermal treatment plants.</p> <p>b) Construction Safety Study prepared in accordance with the Department's Hazardous Industry Planning Advisory Paper No. 7 'Construction Safety'.</p>	<p>Regain Service Pty Ltd. Capacity Increase at Tomago Spent Potlining Facility Hazard and Operability Study (HAZOP) Report 40,000 tpa Capacity Thermal Treatment Plan. (Bureau Veritas AIRS Pty Ltd, v0 dated 17 January 2020, 246R005). (Independent Audit Report, 2020).</p> <p>Capacity Increase of SPL Processing Facility at Tomago Construction Safety Study (dated 24 January 2020, 246R007 v1.2) (Independent Audit Report, 2020).</p> <p>Letter dated 27/2/20 from Department of Planning, Industry & Environment noted completion of the submitted HAZOP and Construction Safety Study and approved these in accordance with Condition 16. (Independent Audit Report, 2020).</p>	<p>Requirements for this condition were addressed during the previous audit period. Stage 1 operations have not yet commenced.</p> <p>A HAZOP study has been prepared inclusive of MOD 2 and in accordance with the Department's Advisory Paper No. 8 and has been approved by the Planning Secretary at least one month prior to commencement of Stage 1 Construction.</p> <p>A Construction Safety Study has been prepared inclusive of MOD 2 and in accordance with the Department's Advisory Paper No 7 and has been approved by the Planning Secretary at least one month prior to commencement of Stage 1 Construction.</p>	Compliant

Approval ID	Requirement	Evidence Collected	Independent Audit Findings and Recommendations	Compliance Status
MOD 2 Schedule 3 Condition 16A	<p>The Proponent must develop and implement the plans and systems set out under subsections 16A(a) and 16(b) below. No later than two months prior to the commencement of commissioning of the Project, or within such further period as the Planning Secretary may agree, the Proponent must submit for the approval of the Planning Secretary documentation describing those plans and systems. Commissioning must not commence until approval has been given by the Planning Secretary.</p> <p>a) A comprehensive Emergency Plan and detailed emergency procedures for the proposal. The Emergency Plan shall include consideration of the safety of all people outside of the Project who may be at risk from the Project. The plan shall be prepared in accordance with the Department's Hazardous industry Planning Advisory Paper No. 1, 'Emergency Planning'.</p> <p>b) A document setting out a comprehensive Safety Management System, covering all on-site operations and associated transport activities involving hazardous materials. The document shall clearly specify all safety related procedures, responsibilities and policies, along with details of mechanisms for ensuring adherence to the procedures. Records shall be kept on-site and shall be available for inspection by the Planning Secretary upon request. The Safety Management System shall be developed in accordance with the Department's Hazardous Industry Planning Advisory Paper No. 9, 'Safety Management'.</p>	<p>Pollution Incident Response Management Plan (116C031 v3.2 dated 19 January 2023) – updated from previous lodged version (7 April 2020).</p> <p>Safety Management System (246R009 v1.1 dated 7 April 2020). (Independent Audit Report, 2020).</p> <p>Letter dated 26/5/2020 from the Department of Planning, Industry & Environment confirming receipt of the Emergency Response Plan and the Safety Management System (submitted 9 April 2020) and approved these documents in accordance with Condition 16A. (Independent Audit Report, 2020).</p>	<p>Requirements of this condition were addressed during the previous audit period.</p> <p>Commissioning is currently occurring.</p> <p>The Emergency Response Plan and the Safety Management System were submitted via email on 9 April 2020, no later than two months prior to commissioning of the Project and approved on 26/5/20 prior to the commencement of commissioning.</p> <p>The Emergency Response Plan includes consideration of the safety of all people outside of the Project who may be at risk from the Project and was prepared in accordance with the Department's Hazardous industry Planning Advisory Paper No. 1, 'Emergency Planning'.</p> <p>The Safety Management System covers all on-site operations and associated transport activities involving hazardous materials and addresses the requirements of the Department's Hazardous Industry Planning Advisory Paper No. 9, 'Safety Management'.</p>	Compliant

Approval ID	Requirement	Evidence Collected	Independent Audit Findings and Recommendations	Compliance Status
MOD 2 Schedule 3 Condition 16B	<p>Within 12 months the commencement of stage 1 operations of the Project and every five years thereafter, or at such intervals as the Planning Secretary may agree, the Proponent shall carry out a comprehensive Hazard Audit of the Project and within one month of each audit submit a report to the satisfaction of the Planning Secretary. The Hazard Audit must:</p> <ul style="list-style-type: none"> a) be carried out at the Proponent expense by a qualified person or team, independent of the Project, approved by the Planning Secretary prior to commencement of the audit. Hazard Audits shall be carried out in accordance with the Department's Hazardous Industry Planning Advisory Paper No.5, 'Hazard Audit. b) include a review of the site Safety Management System and a review of all entries made in the incident register since the previous audit. c) be accompanied by a program for the implementation of all recommendations made in the audit report. If the Proponent intends to defer the implementation of a recommendation, reasons must be documented. 	Commencement of stage 1 operations has not yet occurred.	Condition 16B is not yet applicable as stage 1 operations have not yet commenced.	Not Triggered
MOD 2 Schedule 3 Condition 16C	The Proponent must comply with all reasonable requirements of the Planning Secretary in respect of the implementation of any measures arising from the reports submitted in respect of Conditions 16, 16A and 16B inclusive, within such time as the Planning Secretary may agree.	No additional requirements from the Planning Secretary have been requested in respect of the implementation of the reports submitted in respect of Conditions 16 and 16A. Condition 16B is not yet applicable.	No additional requirements from the Planning Secretary have been requested in respect of the implementation of the reports submitted in respect of Conditions 16 and 16A. Condition 16B is not yet applicable.	Not Triggered
MP06_0050 Schedule 3 Condition 17	The Proponent must carry out all reasonable and feasible measures to minimise dust generated by the project.	<p>Site Inspection.</p> <p>Operational Environmental Management Plan (OEMP) (116C004 v8.2 dated 21 January 2023) Table 7.</p> <p>Safe Work Check sheets</p>	Table 7 OEMP lists risk controls to minimise dust. These include handling SPL material under cover; ensure SPL Building 5 is kept closed and under negative pressure; processed material is kept damp and stored in shed 6; rumble grids are at the doorways	Compliant

Approval ID	Requirement	Evidence Collected	Independent Audit Findings and Recommendations	Compliance Status
		<p>Complaints Register shows no dust complaints.</p>	<p>of sheds 5 and 6; routine sweeping occurs on site roads and paved areas; trucks are inspected after loading and unloading of material.</p> <p>Safe work check sheets are in place to manage potential hazards including dust e.g. Loading Trucks in shed 6 there is a requirement to ensure that the bucket in inside the building to avoid dust and ensure any spills or debris are cleaned up.</p> <p>Baghouse inspections and maintenance are conducted. Bags are changed as required.</p> <p>Third party emissions stack monitoring occurs and compliance with limits has been demonstrated (see below).</p> <p>Site inspection verified these controls outlined in Table 7 OEMP were in place and effective. No evidence of dust sighted during site inspection.</p>	
<p>MOD 2 Schedule 3 Condition 18</p>	<p>The Proponent must install and operate all SPL plant equipment in line with best practice to ensure the Project complies with all load limits, air quality criteria and air quality monitoring requirements as specified in the EPL for the site.</p>	<p>Site Inspection.</p> <p>Operational Environmental Management Plan (OEMP) (116C004 v8.2 dated 21 January 2023) Table 7.</p>	<p>Annual reports confirm all air quality criteria and air quality monitoring requirements are compliant. Regain do not have a load limit in the EPL for the site.</p>	<p>Compliant</p>

Approval ID	Requirement	Evidence Collected	Independent Audit Findings and Recommendations	Compliance Status
		<p>Annual Return 2020 dated 30/12/20 Annual Return 2021 dated 23/12/21 Annual Return 2022 dated 22/12/22</p> <p>Regain Tomago – Biannual Emissions Testing Report August 2021 dated 7 October 2021 Regain Tomago – Biannual Emissions Testing Report June 2022 dated 17 October 2022</p> <p>Regain Tomago – Biannual Emissions Testing Report May 2023 dated 15 June 2023</p>		
MOD 2 Schedule 3 Condition 18A	<p>The Proponent must prepare an Air Quality Management Plan (AQMP) to the satisfaction of the Planning Secretary. The plan must form part of the OEMP required by Condition 26D and be prepared in accordance with Condition 26. The AQMP must:</p> <ul style="list-style-type: none"> - be prepared by a suitably qualified and experienced person(s) whose appointment has been endorsed by the Planning Secretary; - detail and rank all emissions from all sources of the Project, including particulate emissions; - describe a program that is capable of evaluating the performance of the operation and determining compliance with key performance indicators; - identify the control measures that that will be implemented for each emission source; and <p>nominate the following for each of the proposed controls:</p> <ol style="list-style-type: none"> i.) key performance indicator; 	<p>Air Quality Management Plan Capacity Increase at the Regain Spent Potlining Facility, Tomago. AECOM Report (60512726) dated 10 June 2020. (Independent Audit Report, 2020).</p> <p>Operational Environmental Management Plan (OEMP) (116C004 v8.1 dated 12 June 2020). (Independent Audit Report, 2020).</p> <p>Letter dated 14/5/2020 from the Department of Planning, Industry & Environment</p>	<p>The requirements of this conditions were addressed during the previous audit period.</p> <p>The Air Quality Management Plan is included as Attachment 4 of the OEMP.</p> <p>Air Quality Management Plan was prepared by Gabriel Wardenburg and reviewed by David Rollings (AECOM), who have been endorsed by the Planning Secretary.</p> <p>The Air Quality Management Plan has been approved by the</p>	Compliant

Approval ID	Requirement	Evidence Collected	Independent Audit Findings and Recommendations	Compliance Status
	ii.) monitoring method; iii.) location, frequency and duration of monitoring; iv.) record keeping; v.) complaints register; vi.) response procedures; and vii.) compliance monitoring	confirming endorsement of Mr David Rollings and Mr Gabriel Wardenburg from AECOM confirming that they have the appropriate skills and experience. Letter dated 14/7/2020 from the Department of Planning, Industry & Environment confirming that the Air Quality Management Plan is approved.	Department of Planning, Industry & Environment confirming compliance.	
MOD 2 Schedule 3 Condition 18B	The Proponent must: a) not commence operations until the AQMP required by Condition 18A is approved by the Planning Secretary; and b) implement the most recent version of the AQMP approved by the Planning Secretary for the duration of the Project.	Air Quality Management Plan Capacity Increase at the Regain Spent Potlining Facility, Tomago. AECOM Report (60512726) dated 10 June 2020. Letter dated 14/7/2020 from the Department of Planning, Industry & Environment confirming that the Air Quality Management Plan is approved.	Operations have not yet commenced. The Air Quality Management Plan was approved 14/7/20.	a) Compliant b) Not Triggered
MOD 2 Schedule 3 Condition 19	Within 12 months of commissioning Stage 1 operations and Stage 2 operations, the Proponent must submit a post commissioning air emission verification report (AEVR) to the satisfaction of the Planning Secretary (the report). The AEVR must: a) must be prepared by a suitably qualified and experienced person(s); b) include all emission test and analytical results from post commissioning emission monitoring required to be undertaken by the EPL; c) compare the results of the post commissioning monitoring against emission limits contained in the EPL	Site Inspection Interview Operations Manager	Commissioning is currently underway. Stage 1 and Stage 2 operations have not commenced. A Post commissioning air emission verification report is not yet required.	Not Triggered.

Approval ID	Requirement	Evidence Collected	Independent Audit Findings and Recommendations	Compliance Status									
	for the relevant emission points where the comparison shows monitored discharge concentrations higher than the EPL limits; d) must identify mitigation measures to achieve the EPL emission limits; and e) include details of any amendments to the EPL as a result of the EPA's review of the AEVR.												
MP06_0050 Schedule 3 Condition 20	The Proponent shall comply with the following restrictions: <ul style="list-style-type: none"> • Construction <ul style="list-style-type: none"> ○ Mon-Fri 7:00am - 6:00pm ○ Sat 6:00am - 1:00pm ○ Sun and Public Holidays Nil • Operation <ul style="list-style-type: none"> ○ All days Any time 	SPL Processing Facility Capacity Increase Construction Environmental Management Plan (CEMP) (246C003 v1.3 dated 10 December 2019). (Independent Audit Report, 2020). Operational Environmental Management Plan (OEMP) (116C004 v8.2 dated 21 January 2023) Table 7.	The CEMP specified work hours in Table 6 of CEMP. No construction occurred during the current audit period. The OEMP specifies hours.	Compliant									
MP06_0050 Schedule 3 Condition 21	The proponent shall ensure that the noise from the operation of the project does not exceed the noise limits presented in Table 2. Table 2: Project Noise Limits (dB(A)) <table border="1" data-bbox="427 1018 1115 1212"> <thead> <tr> <th>Location</th> <th>Day/ Evening/ Night</th> <th>Night</th> </tr> </thead> <tbody> <tr> <td>Residences on Tomago Road</td> <td>35 dBAL_{Aeq} (15 minutes)</td> <td>45 dBAL_{Aeq} (1 minute)</td> </tr> <tr> <td>Industrial Receivers</td> <td>70 dBAL_{Aeq}</td> <td>70 dBAL_{Aeq} (1 minute)</td> </tr> </tbody> </table>	Location	Day/ Evening/ Night	Night	Residences on Tomago Road	35 dBAL _{Aeq} (15 minutes)	45 dBAL _{Aeq} (1 minute)	Industrial Receivers	70 dBAL _{Aeq}	70 dBAL _{Aeq} (1 minute)	Complaints register.	There are no requirements for noise monitoring. No complaints have been made in relation to noise.	Compliant
Location	Day/ Evening/ Night	Night											
Residences on Tomago Road	35 dBAL _{Aeq} (15 minutes)	45 dBAL _{Aeq} (1 minute)											
Industrial Receivers	70 dBAL _{Aeq}	70 dBAL _{Aeq} (1 minute)											

Approval ID	Requirement	Evidence Collected	Independent Audit Findings and Recommendations	Compliance Status
MP06_0050 Schedule 3 Condition 22	At all times the Proponent shall ensure that: <ul style="list-style-type: none"> all trucks entering or leaving the site with loads have their loads covered; trucks associated with the project do not track dirt onto the public road network; and the public roads used by these trucks are kept clean of any Regain products or materials. 	Operational Environmental Management Plan (OEMP) (116C004 v8.2 dated 21 January 2023) Table 7. Safe Work Check sheet Loading Trucks for Shed 6.	All trucks enter and leave the site via the North gate of the Tomago site. This route is all concrete and bitumen. The safe work check sheet notes that trucks are to be covered. No evidence of spills on public roads.	Compliant
MP06_0050 Schedule 3 Condition 23	The Proponent shall ensure that: <ul style="list-style-type: none"> all parking generated by the project is accommodated on site, and that no vehicles associated with the project shall park on the public road system at any stage; that the project does not result in any vehicles queuing on the public road network; vehicles associated with the project are operated at low speed or power within the TAC site and are turned off when not being used; and vehicles are not to be left idling for prolonged periods. 	Site inspection. Operational Environmental Management Plan (OEMP) (116C004 v8.2 dated 21 January 2023) Table 7.	Parking occurs between shed 5 and 6. The Regain site is within the Tomago Aluminium Company site. There is no parking or queuing on public roads. Speed limits are set at 30km/hr by the TAC site and these are adhered to.	Compliant
MP06_0050 Schedule 3 Condition 24	The proponent shall ensure that waste would be reused, recycled and if necessary, appropriately treated and disposed of in accordance with DECC's Waste Classification Guidelines.	Site Inspection. Operational Environmental Management Plan (OEMP) (116C004 v8.2 dated 21 January 2023).	Minimal waste is generated and this is managed via the TAC Waste Management System. SPL waste is incorporated back into the process.	Compliant
MP06_0050 Schedule 3 Condition 25	The Proponent shall ensure that the lighting associated with the project: <ul style="list-style-type: none"> complies with the latest version of Australian Standard AS 4282(INT)- Control of Obtrusive Effects of Outdoor Lighting; and is mounted, screened and directed in such a manner that it does not create a nuisance to surrounding properties or the public road network. 	Site inspection.	The Regain site is situated inside the Tomago Aluminium Company site. Any lighting used by Regain does not create a nuisance to surrounding properties or public roads.	Compliant

Approval ID	Requirement	Evidence Collected	Independent Audit Findings and Recommendations	Compliance Status
MOD 2 Schedule 4 Condition 26	<p>Management plans required under this approval must be prepared in accordance with relevant guidelines, and include:</p> <p>a) details of:</p> <ul style="list-style-type: none"> i.) the relevant statutory requirements (including any relevant approval, licence or lease conditions); ii.) any relevant limits or performance measures and criteria; and iii.) the specific performance indicators that are proposed to be used to judge the performance of, or guide the implementation of, the development or any management measures; <p>b) a description of the measures to be implemented to comply with the relevant statutory requirements, limits, or performance measures and criteria;</p> <p>c) a program to monitor and report on the:</p> <ul style="list-style-type: none"> i.) impacts and environmental performance of the development; and ii.) effectiveness of the management measures set out pursuant to paragraph (b) above; <p>d) a contingency plan to manage any unpredicted impacts and their consequences and to ensure that ongoing impacts reduce to levels below relevant impact assessment criteria as quickly as possible;</p> <p>e) a program to investigate and implement ways to improve the environmental performance of the development over time;</p> <p>f) a protocol for managing and reporting any:</p> <ul style="list-style-type: none"> i.) incident and any non-compliance (specifically including any exceedance of the impact assessment criteria and performance criteria); ii.) complaint; iii.) failure to comply with statutory requirements; and <p>g) a protocol for periodic review of the plan.</p>	<p>Operational Environmental Management Plan (OEMP) (116C004 v8.2 dated 21 January 2023).</p> <p>SPL Processing Facility Capacity Increase Construction Environmental Management Plan (CEMP) (246C003 v1.3 dated 10 December 2019). (Independent Audit Report, 2020).</p> <p>Tomago Aluminium SPL Processing Facility Stormwater Management Plan (116C011 v2.2 – 20 October 2019). (Independent Audit Report, 2020).</p> <p>Air Quality Management Plan Capacity Increase at the Regain Spent Potlining Facility, Tomago. AECOM Report (60512726) dated 10 June 2020. (Independent Audit Report, 2020).</p>	<p>Management plans required under this approval address all items listed a) to g).</p> <p>All management plans have been approved by the Department Planning, Industry & Environment.</p> <p>Note: no construction activities occurred during the current audit period.</p>	Compliant

Approval ID	Requirement	Evidence Collected	Independent Audit Findings and Recommendations	Compliance Status
MOD 2 Schedule 4 Condition 26A	The Proponent must prepare a Construction Environmental Management Plan (CEMP) in accordance with the requirements of Condition 26 and to the satisfaction of the Planning Secretary.	<p>SPL Processing Facility Capacity Increase Construction Environmental Management Plan (CEMP) (246C003 v1.3 dated 10 December 2019). (Independent Audit Report, 2020).</p> <p>Letter dated 19/12/2019 from the Department of Planning, Industry & Environment confirming that the Construction Environmental Management Plan is approved. (Independent Audit Report, 2020).</p>	<p>The Construction Environmental Management Plan was approved 19/12/19.</p> <p>Requirements of this condition were addressed during the previous audit period.</p>	Compliant
MOD 2 Schedule 4 Condition 26B	<p>The Proponent must:</p> <p>a) not commence construction of the development until the CEMP is approved by the Planning Secretary; and</p> <p>b) (b) carry out the construction of the Project in accordance with the CEMP approved by the Planning Secretary and as revised and approved by the Planning Secretary from time to time.</p>	<p>SPL Processing Facility Capacity Increase Construction Environmental Management Plan (CEMP) (246C003 v1.3 dated 10 December 2019). (Independent Audit Report, 2020).</p> <p>Letter dated 19/12/2019 from the Department of Planning, Industry & Environment confirming that the Construction Environmental Management Plan is approved. (Independent Audit Report, 2020).</p>	<p>The Construction Environmental Management Plan was approved 19/12/19 and construction commenced in April 2020.</p> <p>No revisions have been required. No construction occurred during the current audit period.</p>	Compliant
MOD 2 Schedule 4 Condition 26C	The Proponent must prepare an Operational Environmental Management Plan (OEMP) in accordance with the requirements of Schedule 4 Condition 26 and to the satisfaction of the Planning Secretary.	Operational Environmental Management Plan (OEMP) (116C004 v8.1 dated 12 June 2020). (Independent Audit	The Operational Environmental Management Plan has been approved by the Department of Planning, Industry &	Compliant

Approval ID	Requirement	Evidence Collected	Independent Audit Findings and Recommendations	Compliance Status
		<p>Report, 2020).</p> <p>Letter dated 14/7/2020 from the Department of Planning, Industry & Environment confirming that the Operational Environmental Management Plan is approved. (Independent Audit Report, 2020).</p>	<p>Environment confirming compliance with Condition 26C on 14/7/20. Requirements of this condition were addressed during the previous audit period. Minor updates have occurred to reflect improvements in controls and minor wording changes.</p>	
<p>MOD 2 Schedule 4 Condition 26D</p>	<p>As part of the OEMP required under Condition 26C. of this approval, the Proponent must include the following:</p> <ul style="list-style-type: none"> a) describe the role, responsibility, authority and accountability of all key personnel involved in the environmental management of the Project; b) describe the procedures that would be implemented to: <ul style="list-style-type: none"> i.) keep the local community and relevant agencies informed about the operation and environmental performance of the Project; ii.) receive, handle, respond to, and record complaints; iii.) resolve any disputes that may arise; iv.) respond to any non-compliance; v.) respond to emergencies; and c) include the following environmental management plans: <ul style="list-style-type: none"> (i) Air Quality Management Plan (see Condition 18A). 	<p>Operational Environmental Management Plan (OEMP) (116C004 v8.1 dated 12 June 2020). (Independent Audit Report, 2020).</p> <p>Letter dated 14/7/2020 from the Department of Planning, Industry & Environment confirming that the Operational Environmental Management Plan is approved. (Independent Audit Report, 2020).</p> <p>Operational Environmental Management Plan (OEMP) v 8.2 dated 23 January 2023.</p>	<p>The Operational Environmental Management Plan has been approved by the Department of Planning, Industry & Environment confirming compliance with Condition 26C on 14/7/20.</p> <p>Reviewed and updated to version 8.2 dated 23 January 2023.</p> <p>The Air Quality Management Plan was Attachment 4 to the OEMP.</p> <p>Requirements of this condition were addressed during the previous audit period.</p> <p>The OEMP continues to comply with this condition, following the review.</p>	<p>Compliant</p>

Approval ID	Requirement	Evidence Collected	Independent Audit Findings and Recommendations	Compliance Status
MOD 2 Schedule 4 Condition 26E	<p>The Proponent must:</p> <ul style="list-style-type: none"> a) not commence operation until the OEMP is approved by the Planning Secretary; b) operate the Project in accordance with the OEMP approved by the Planning Secretary (and as revised and approved by the Planning Secretary from time to time). 	<p>Operational Environmental Management Plan (OEMP) (116C004 v8.1 dated 12 June 2020).</p> <p>Letter dated 14/7/2020 from the Department of Planning, Industry & Environment confirming that the Operational Environmental Management Plan is approved.</p>	<p>Operations have not commenced. The site is in an extended commissioning phase.</p> <p>The OEMP was approved by the Department of Planning, Industry & Environment on 14/7/20.</p>	Compliant
MOD 2 Schedule 4 Condition 26F	<p>Within three months of:</p> <ul style="list-style-type: none"> a) the submission of a Compliance Report under Condition 28C; b) the submission of an incident report under Condition 27; c) the submission of an Independent Audit under Condition 29; d) the approval of any modification of the conditions of this approval, or e) the issue of a direction of the Planning Secretary under Condition 26 which requires a review. 	<p>Email dated 18 September 2020 – submission of Independent Audit Report.</p>	<p>A Compliance Report under Condition 28C has not yet been required.</p> <p>An incident report under Condition 27 has not yet been required.</p> <p>An Independent Audit to address Condition 29 was conducted (report dated 28 August 2020). This audit report was submitted to the Department of Planning and Environment on 18 September 2020. No recommendations were made relating to review of the documentation within the audit report. Operations have not commenced. The site is in an extended commissioning phase.</p> <p>No modification of the conditions of this approval have occurred.</p>	Not Triggered

Approval ID	Requirement	Evidence Collected	Independent Audit Findings and Recommendations	Compliance Status
			There has been no direction issued from the Planning Secretary under Condition 26 which requires a review.	
MOD 2 Schedule 4 Condition 26G	The strategies, plans and programs required under this approval must be reviewed, and the Department must be notified in writing that a review is being carried out.	Interview Operations Manager	The site is in an extended commissioning phase. Minor review of the OEMP has occurred. Operations have not commenced. The site is in an extended commissioning phase.	Not Triggered
MOD 2 Schedule 4 Condition 26H	If necessary to either improve the environmental performance of the Project, cater for a modification or comply with a direction, the strategies, plans and programs required under this approval must be revised, to the satisfaction of the Planning Secretary. Where revisions are required, the revised document must be submitted to the Planning Secretary for approval within six weeks of the review.	Interview with Operations Manager. Annual returns 2020-2022.	No revisions of the strategies, plans and program required under this approval have been required. Compliance with environmental requirements has been demonstrated. No directions have been provided by the Planning Secretary.	Not Triggered
MOD 2 Schedule 4 Condition 27	The Department must be notified in writing to compliance@planning.nsw.gov.au immediately after the Proponent becomes aware of an incident. The notification must identify the Project (including the Project application number and the name of the Project if it has one) and set out the location and nature of the incident. Subsequent notification requirements must be given, and reports submitted in accordance with the requirements set out in Appendix B.	Interview with Operations Manager. Annual returns 2020-2022.	No incidents have occurred.	Not Triggered
MOD 2 Schedule 4 Condition 28	The Department must be notified in writing to compliance@planning.nsw.gov.au within seven days after the Proponent becomes aware of any non-compliance.	Interview with Operations Manager. Annual returns 2020-2022.	No non-compliances have been identified.	Not Triggered

Approval ID	Requirement	Evidence Collected	Independent Audit Findings and Recommendations	Compliance Status
MOD 2 Schedule 4 Condition 28A	A non-compliance notification must identify the Project and the application number for it, set out the condition of approval that the Project is non-compliant with, the way in which it does not comply and the reasons for the non-compliance (if known) and what actions have been, or will be, undertaken to address the non-compliance.	Interview with Operations Manager. Annual returns 2020-2022.	No non-compliances have been identified.	Not Triggered
MOD 2 Schedule 4 Condition 28B	A non-compliance which has been notified as an incident does not need to also be notified as a noncompliance.	Interview with Operations Manager. Annual returns 2020-2022.	No non-compliances have been identified.	Not Triggered
MOD 2 Schedule 4 Condition 28C	No later than six weeks before the date notified for the commencement of operations as described in Mod 2 a Compliance Monitoring and Reporting Program prepared in accordance with the Compliance Reporting Post Approval Requirements (Department 2018) must be submitted to the Department.	Email to Department on 7/5/20 attaching the Compliance Monitoring and Reporting Program. (Independent Audit Report, 2020).	Operations have not yet commenced. Requirements of this condition addressed during previous audit period. Compliance Monitoring and Reporting Program has been prepared in accordance with the Compliance Reporting Post Approval Requirements (Department 2020) was submitted via email 7/5/20.	Compliant
MOD 2 Schedule 4 Condition 28D	Compliance Reports of the Project must be carried out in accordance with the Compliance Reporting Post Approval Requirements (Department 2018).	Compliance Reporting Post Approval Requirements (Department 2020).	Compliance Reports are required for operations. Operations have not yet commenced. It is noted that the current version of the Department document is 2020.	Not Triggered
MOD 2 Schedule 4 Condition 28E	The Proponent must make each Compliance Report publicly available no later than 60 days after submitting it to the Department and notify the Department in writing at least seven days before this is done.	Compliance Reporting Post Approval Requirements (Department 2020).	Compliance Reports are required for operations. Operations have not yet commenced.	Not Triggered

Approval ID	Requirement	Evidence Collected	Independent Audit Findings and Recommendations	Compliance Status
MOD 2 Schedule 4 Condition 29	No later than four weeks before the date notified for the commencement of operations as described in MOD 2 an Independent Audit Program prepared in accordance with the Independent Audit Post Approval Requirements (Department 2018) must be submitted to the Department.	<p>Email to Department on 12/6/20 attaching the Independent Audit Program in accordance with Condition 29. (Independent Audit Report, 2020).</p> <p>Letter dated 8/7/2020 from the Department of Planning, Industry & Environment. (Independent Audit Report, 2020).</p>	<p>Commencement of operations has not started.</p> <p>Requirements of this condition addressed during the previous audit period.</p> <p>An Independent Audit Program has been prepared in accordance with the Independent Audit Post Approval Requirements (Department 2020) and submitted to the Department on 12/6/20. Letter dated 8/7/2020 from the Department of Planning, Industry & Environment confirming that the Independent Audits are to be undertaken in accordance with the Independent Audit Post Approval Requirements (Department 2020).</p>	Compliant
MOD 2 Schedule 4 Condition 30	Independent Audits of the Project must be carried out in accordance with: a) the Independent Audit Program submitted to the Department under Condition 29 of this approval; and b) the requirements for an Independent Audit Methodology and Independent Audit Report in the Independent Audit Post Approval Requirements (Department 2018)."	<p>Independent Audit Program 246G003 v1.1 dated 11 June 2020.</p> <p>Current Audit Report.</p> <p>Independent Audit Post Approval Requirements (Department 2020).</p>	The current audit is in accordance with the Independent Audit Program submitted on 12/6/20 and approved by the Department on 8/7/20. This letter endorsed the proposed audit program that audits are to be conducted at intervals no greater than 3 years.	Compliant

Approval ID	Requirement	Evidence Collected	Independent Audit Findings and Recommendations	Compliance Status
			<p>Letter dated 14/4/23 from Department confirms that the audits shall be conducted in accordance with the 2020 version of the Department's Independent Audit Post Approval Requirements.</p> <p>Audit report prepared in accordance with the Independent Audit Post Approval Requirements 2020.</p>	
MOD 2 Schedule 4 Condition 31	<p>In accordance with the specific requirements in the Independent Audit Post Approval Requirements (Department 2018), the Proponent must:</p> <ul style="list-style-type: none"> a) review and respond to each Independent Audit Report prepared under Condition 30 of this approval; b) submit the response to the Department; and c) make each Independent Audit Report and response to it publicly available no later than 60 days after submission to the Department and notify the Department in writing at least seven days before this is done. 	<p>Audit report Audit report response Submission correspondence Regain website Regain website update records Email dated 18/9/2020 from Major Projects DPIE</p>	<p>Independent Environmental Audit Report Regain Service Pty Ltd MP 06_0050 MOD 2 28 August 2020 – available on Regain website http://www.regainmaterials.com/about/regain-operations/tomago/tomago-capacity-increase-project</p> <p>Tomago SPL Processing Facility Capacity Expansion Independent Audit Report Proponent Response to Audit Findings 15 September 2020 available on Regain website (as above).</p> <p>Email dated 18/9/2020 from Major Projects DPIE confirming compliance with Condition 30(b).</p> <p>Version 2 Regain website includes the audit report and</p>	<ul style="list-style-type: none"> a) Compliant b) Compliant c) Non-Compliant – NC#001

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			<p>proponent response on the Tomago Capacity Increase Project page dated 22/9/2020. Version 1 of this section of the website did not include this detail (screenshot sighted). The audit report and response were made available to the public via the Regain website (detailed above within 60 days).</p> <p>Regain did not notify the Department in writing at least seven days before this is done – non-compliance.</p>	
MOD 2 Schedule 4 Condition 32	Any condition of this approval that requires the carrying out of monitoring or an environmental audit, whether directly or by way of a plan, strategy or program, is taken to be a condition requiring monitoring or an environmental audit under Division 9.4 of Part 9 of the EP&A Act. This includes conditions in respect of incident notification, reporting and response, non-compliance notification, compliance reporting and independent auditing.	Throughout audit checklist	Details in respect of incident notification, reporting and response, non-compliance notification, compliance reporting and independent auditing are contained within this audit checklist and complied with.	Compliant

Approval ID	Requirement	Evidence Collected	Independent Audit Findings and Recommendations	Compliance Status
MOD 2 Schedule 4 Condition 33	<p>At least 48 hours before the commencement of construction until the completion of all works under this approval, the Proponent must:</p> <p>a) make the following information and documents (as they are obtained or approved) publicly available on its website:</p> <ol style="list-style-type: none"> i.) the documents referred to in Schedule 2 Condition 2 of this approval; ii.) all current statutory approvals for the Project; iii.) (all approved strategies, plans and programs required under the conditions of this approval; iv.) the proposed staging plans for the Project if the construction, operation or decommissioning of the Project is to be staged; v.) regular reporting on the environmental performance of the Project in accordance with the reporting requirements in any plans or programs approved under the conditions of this approval; vi.) a comprehensive summary of the monitoring results of the Project, reported in accordance with the specifications in any conditions of this approval, or any approved plans and programs; vii.) a summary of the current stage and progress of the Project; viii.) contact details to enquire about the Project or to make a complaint; ix.) a complaints register, updated monthly; x.) the Compliance Report of the Project; xi.) audit reports prepared as part of any Independent Audit of the Project and the Proponent's response to the recommendations in any audit report; xii.) any other matter required by the Planning Secretary; and <p>b) keep such information up to date, to the satisfaction of the Planning Secretary.</p>	<p>Regain website viewed 30/7/20 (Independent Audit Report, 2020). http://www.regainmaterials.com/about/regain-operations/tomago/tomago-capacity-increase-project</p> <p>Compliance Reporting Post Approval Requirements (Department, May 2020)</p>	<p>A review of the Regain website noted:</p> <ul style="list-style-type: none"> • Project Application 06_0050 • Environmental Assessment • MOD 1 • MOD 2 • Project layout plans • Statement of commitments in MOD 2 <p>addressing part i). Statutory approvals including the Project Approval and Modification and construction certificate – addressing part ii).</p> <p>The Construction Environment Management Plan, Operational Environmental Management Plan, Hazard and Operability Study and Construction Safety Study – addressing part iii).</p> <p>The staging plan is addressed in the CEMP and notes that stage 2 will commence following development of the market (timing and scheduling section) – addressing part iv).</p> <p>Emissions data is displayed from March 2012 – May 2023 (last biannual emission testing) – addressing parts v) and vi).</p> <p>Capacity Expansion Program detailing the current state and</p>	Compliant

Approval ID	Requirement	Evidence Collected	Independent Audit Findings and Recommendations	Compliance Status
			<p>progress of the Project – addressing part vii).</p> <p>Contact details are provided for the Regain Development Manger to enquire about the Project or make a complaint, addressing viii.</p> <p>Complaints Register reporting monthly complaints since March 2020 – July 2023, before commencement of construction. No complaints have been reported – addressing part ix).</p> <p>Compliance Report is not yet required – as per the Department Compliance Reporting Post Approval Requirements (May 2020) Table 1 notes that annual operations reports are required. As operations have not yet commenced Part x) is not yet required.</p> <p>Independent Audit Report, 2020 is available, addressing part xi.</p> <p>No other matter has been communicated by the Planning Secretary therefore part xii) is not currently applicable.</p>	

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MOD 2 Appendix B Item 1	A written incident notification addressing the requirements set out below must be emailed to the Department at the following address: compliance@planning.nsw.gov.au within seven days after the Applicant becomes aware of an incident. Notification is required to be given under this condition even if the Applicant fails to give the notification required under condition 27 or, having given such notification, subsequently forms the view that an incident has not occurred.	Interview with Operations Manager. Annual reports 2020-2022.	No incidents have occurred.	Not Triggered
MOD 2 Appendix B Item 2	Written notification of an incident must: a) identify the development and application number; b) provide details of the incident (date, time, location, a brief description of what occurred and why it is classified as an incident); c) identify how the incident was detected; d) identify when the applicant became aware of the incident; e) identify any actual or potential non-compliance with conditions of consent; f) describe what immediate steps were taken in relation to the incident; g) identify further action(s) that will be taken in relation to the incident; and h) identify a project contact for further communication regarding the incident.	Interview with Operations Manager. Annual reports 2020-2022.	No incidents have occurred.	Not Triggered
MOD 2 Appendix B Item 3	Within 30 days of the date on which the incident occurred or as otherwise agreed to by the Planning Secretary, the Applicant must provide the Planning Secretary and any relevant public authorities (as determined by the Planning Secretary) with a detailed report on the incident addressing all requirements below, and such further reports as may be requested.	Interview with Operations Manager. Annual reports 2020-2022.	No incidents have occurred.	Not Triggered

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MOD 2 Appendix B Item 4	4. The Incident Report must include: a) a summary of the incident; b) outcomes of an incident investigation, including identification of the cause of the incident; c) details of the corrective and preventative actions that have been, or will be, implemented to address the incident and prevent recurrence; and d) details of any communication with other stakeholders regarding the incident.	Interview with Operations Manager. Annual reports 2020-2022.	No incidents have occurred.	Not Triggered
Environmentally Hazardous Chemicals Act 1985 Licence #88 dated 11 July 2020				
EHCL 88 Item 1.1	The licensee is permitted to keep and/or process aluminium smelter waste containing fluoride and/or cyanide on the Premises, subject to the conditions of the Licence.	Site Inspection	Aluminium smelter waste stored and processed in accordance with the conditions of the Licence.	Compliant
EHCL 88 Item 1.2	The licensee is permitted to convey aluminium smelter waste containing fluoride and/or cyanide subject to the conditions of the Licence.	Site Inspection	Aluminium smelter waste stored and processed in accordance with the conditions of the Licence.	Compliant
EHCL 88 Item 2.1	Aluminium smelter waste containing fluoride and/or cyanide must be kept in accordance with the conditions of the Chemical Control Order in Relation to Aluminium Smelter Wastes containing Fluoride and/or Cyanide Wastes 1986, unless otherwise permitted by the Licence.	Site Inspection	Aluminium Smelter Wastes are kept in accordance with the conditions of the Chemical Control Order in Relation to Aluminium Smelter Wastes containing Fluoride and/or Cyanide Wastes 1986.	Compliant
EHCL 88 Item 2.2	Aluminium smelter waste containing fluoride and/or cyanide must be kept on the Premises in such a manner that no leachate nor wind borne material can escape from the Premises.	Site Inspection OEMP Table 7	Aluminium smelter waste stored in contained shed. No evidence of wind borne material escaping from the premises, nor any potential for leachate escaping from site.	Compliant
EHCL 88 Item 2.3	The storage site for the aluminium smelter waste at the Premises must be maintained in a proper and efficient condition.	Site Inspection OEMP Table 7	Storage sheds in proper and efficient condition, as described above.	Compliant

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EHCL 88 Item 2.4	The Premises must be provided with physical security to prevent unauthorised access to the aluminium smelter waste containing leachable fluoride and/or leachable cyanide.	Site Inspection	Regain site is fully contained within the TAC site. TAC site is fully fenced with security gates at each entrance.	Compliant
EHCL 88 Item 3.1	Aluminium Smelter Waste may be processed on the Premises for the purpose of research into, and development of, environmentally acceptable methods for reducing the levels of leachable fluoride and/or leachable cyanide in such wastes.	Interview	Research work has been conducted. Environmentally acceptable methods for reducing the levels of leachable fluoride and/or leachable cyanide in such wastes are in place.	Compliant
EHCL 88 Item 3.2	Aluminium smelter waste may be processed on the Premises for the recovery of components, the making of other products or to reduce the leachable fluoride and/or leachable cyanide content.	Site inspection OEMP	Aluminium waste processed for these purposes.	Compliant
EHCL 88 Item 3.3	Aluminium smelter waste must be stored and processed under cover.	Site inspection OEMP Table 7	Aluminium smelter waste is stored in fully contained sheds and processed under cover.	Compliant
EHCL 88 Item 4.1	The Licensee must not convey aluminium smelter wastes off the Premises other than to the premises of Tomago Aluminium Company Pty Ltd, Tomago NSW 2322, for the purpose of processing those wastes for the recovery of components, the making of products or to reduce the leachable fluoride and/or cyanide content.	Interview	No aluminium smelter waste is transported off site.	Compliant
EHCL 88 Item 4.2	Products manufactured from aluminium waste wastes may only be conveyed from the Premises for the purpose of reuse in other industrial and manufacturing processes or for the purpose of assessing the suitability of such products for use in an industrial or manufacturing process.	Environmentally Hazardous Chemicals Act Licence #88 Annual Report – July 2020 (116C054 v1 – 4 September 2020) Annual Report – July 2021 (116G056 v1 – 7 September 2021)	Products manufactured from aluminium waste wastes are only conveyed from the Premises for the purpose of reuse in other industrial and manufacturing processes, as reported in the Annual Reports.	Compliant

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		Annual Report – July 2022 (116C056 v1.0 – 8 September 2022)		
EHCL 88 Item 4.3	Products manufactured from aluminium smelter wastes must not be conveyed from the Premises for the purpose of disposal.	Interview	No disposal occurs.	Compliant
EHCL 88 Item 4.4	The Licensee must not permit products manufactured from aluminium smelter wastes to be stored in accumulated deposits, to be dumped or abandoned or otherwise dealt with as chemical waste.	Interview Site Inspection Annual Report – July 2020 (116C054 v1 – 4 September 2020) Annual Report – July 2021 (116G056 v1 – 7 September 2021) Annual Report – July 2022 (116C056 v1.0 – 8 September 2022)	Products manufactured from aluminium smelter wastes are only conveyed from the Premises for the purpose of reuse in other industrial and manufacturing processes. No dumping or abandonment occurs.	Compliant
EHCL 88 Item 4.5	The Licensee must accept any product returned to it for any reason by a recipient.	Interview	Return of product has not occurred.	Not Triggered
EHCL 88 Item 5.1 and item 5.2	The Licensee must ensure that persons conveying and/or handling aluminium smelter wastes are trained in methods to appropriately deal with, and contain, spills or incidents. This includes the provisions of appropriate personal protective equipment, clean up material and equipment to deal with any spill.	Operational Environmental Management Plan (OEMP) (116C004 v8.2 dated 21 January 2023).	TAC Induction and Regain Induction. These inductions include spills and incident management.	Compliant
EHCL 88 Item 5.3	In the event of a spill or incident, the Licensee must take all the necessary and appropriate actions to ensure the spill or incident is contained and managed in an appropriate manner that minimises harm or potential harm to the environment or persons.	Interview Annual Reports, previously detailed	No spills or incidents have occurred.	Not Triggered

Approval ID	Requirement	Evidence Collected	Independent Audit Findings and Recommendations	Compliance Status
EHCL 88 Item 6.1	<p>The Licensee must advise or notify the EPA immediately of becoming aware of:</p> <p>(a) Any contamination or pollution of the Premises, or any adjoining premises or waters caused by keeping, conveying or processing aluminium smelter wastes or products manufactured from aluminium smelter wastes.</p> <p>(b) Any spill or incident, involving aluminium smelter wastes or products manufactured from aluminium smelter wastes causing or being likely to cause environmental harm.</p>	<p>Interview</p> <p>Annual Reports, previously detailed</p>	<p>No contamination or pollution or Premises or adjacent premises or waters has occurred. No spill or incidents have occurred.</p>	<p>Not Triggered</p>
EHCL 88 Item 6.2	<p>All incidents, described in condition 6.1 above, must be reported to the EPA by telephoning the EPA's Environment Line on 131 555.</p>	<p>Interview</p> <p>Annual Reports, previously detailed</p>	<p>No incidents have occurred.</p>	<p>Not Triggered</p>
EHCL 88 Item 7.1	<p>Within sixty (60) days of each anniversary date (10 July) of the Licence, the Licensee must provide to the EPA an annual report that details:</p> <ol style="list-style-type: none"> The quantity of aluminium smelter wastes processed during the year. The type of aluminium smelter wastes processed during the year. The name of the product(s) produced from those wastes during the year. A Safety Data Sheet for each product produced during the year. The chemical composition of the product/s. The quantity of product/s produced. A description of the treatment process. The date of dispatch of each product load from the Premises. The name and contact details of the transporters of the product. The name and contact details of the recipient of the product. The intended end use of the product. The results of an annual stack emission test to determine the emission of total solid particles, total fluoride, total 	<p>Environmentally Hazardous Chemicals Licence #88.</p> <p>Environmentally Hazardous Chemicals Licence 88 Annual Report – July 2020 submitted 4 September 2020</p> <p>Environmentally Hazardous Chemicals Licence 88 Annual Report – July 2021 submitted 7 September 2021</p> <p>Environmentally Hazardous Chemicals Licence 88 Annual Report – July 2022 submitted 8 September 2022</p>	<p>Environmentally Hazardous Chemicals Licence #88 has the anniversary date 10 July. Annual reports containing required details listed in Item 7.1 a. – l. have been submitted to the EPA within 60 days of the anniversary date.</p> <p>Note recently issued licence changed number to EHC 1630208.</p>	<p>Compliant</p>

Approval ID	Requirement	Evidence Collected	Independent Audit Findings and Recommendations	Compliance Status
	cyanide and total polycyclic aromatic hydrocarbons from the SPL processing plant. Emission monitoring must be carried out in accordance with <i>Approved Methods for the Sampling and Analysis of Air Pollutants in New South Wales</i> (Department of Environment and Conservation NSW, 2007, or as revised).			
EHCL 88 Item 7.2	The Annual Report must be emailed to info@epa.nsw.gov.au	Annual returns EPA sent via email hunter.region@epa.nsw.gov.au , as required. Portal.	Annual reports are sent as required by Item 7.2.	Compliant
Statement of Commitments				
General	<ol style="list-style-type: none"> 1. The Proponent would implement all practicable measures to prevent or minimise harm to the environment that may result from the construction or operation of the Project. 2. The Proponent would implement all practicable measures to prevent or minimise harm to the environment that may result from the construction or operation of the Project. 3. The Proponent would prepare and implement a Construction Environmental Management Plan (CEMP) to provide environmental management practices and procedures to be followed during the construction phase, particularly in relation to the management of soils, surface waters, air quality, and noise management. 4. The Proponent would update a current EMP prepared for the existing site activities. 5. The Proponent would operate the facility in accordance with existing EPA pollution control approvals for existing operations at the Tomago smelter. 6. The Proponent would operate the facility in accordance with existing EPA Environmental Protection Licences (EPLs) issued for existing operations of the smelter. 	CEMP OEMP Site Inspection (photos) Interviews Monitoring records Monitoring reports Annual reports Inspection reports Audit reports	CEMP and OEMP address items specified. Note: no construction activities during current audit period. Compliance with EPL's #13269 and #20976 is reported in this audit checklist. Compliance with Project Approval 06_0050 MOD 2 is reported in this audit checklist. Monitoring is reported in this audit checklist and consists of external air emission monitoring, monitoring requirements as conducted by TAC personnel, inspections and audits as previously detailed in this audit checklist.	Compliant

Approval ID	Requirement	Evidence Collected	Independent Audit Findings and Recommendations	Compliance Status
	<p>7. The Proponent would ensure regular inspection, monitoring and auditing is undertaken to maintain effective environmental management and to highlight non-compliance of standards, conditions or licence requirements.</p> <p>8. The Proponent would ensure routine monitoring of air quality, groundwater and surface water is undertaken. Groundwater and surface water monitoring is undertaken in conjunction with the TAC smelter existing monitoring program where appropriate.</p>		<p>Inspections and audits are routinely conducted (at least quarterly). Reports reviewed as part of this current audit.</p>	
Air Quality	<p>1. The Proponent would implement dust mitigation strategies throughout the facility including: - Enclosure of external plant; - Construction of sealed processing and product storage facilities; - Installation of dust extraction systems throughout the processing plant and connected to dust generating activities; and - Installation of visual and audible alarm systems to minimise potential for dust generation in the event of plant / system breakdown or failure.</p> <p>2. The Proponent would ensure residual emissions would be directed to the atmosphere via stacks, as indicated by the proposal.</p> <p>3. The Proponent would implement dust mitigation strategies as part of the CEMP which will include: - Stabilisation of disturbed surfaces during construction; - Removal of excessive soil on construction vehicle tyres; and - Spraying of stockpiled earths / fine construction material during high winds to reduce potential for dust.</p> <p>4. The Proponent would maintain processing plant and Shed 5 under negative pressure, treated products would be maintained in a moist condition, to mitigate fugitive emissions.</p> <p>5. The Proponent would control SPL processing stages to destroy cyanide and hazardous gases.</p>	<p>OEMP Site Inspection Interviews Monitoring records Monitoring reports Annual reports Annual Report Supplement Batch sample report NATA certificates Housekeeping inspection records</p>	<p>Dust mitigation strategies and emission controls were observed during the site inspection. No evidence of excessive dust.</p> <p>SCADA temperature screen sighted from EPL 13269 Rotary Kiln Operating Temperature Reports 2020, 2021, 2022 showing less than 850°C. Kiln temperature controls were described and sighted.</p> <p>The process destroys cyanide and hazardous gas. It involves crushing and thermal treatment of SPL. Batches are created (every 500t) and each batch is tested including chemical composition, cyanide levels and inert gases. Batches are then blended and then released as a product. Product batch control sheets were reviewed e.g.#2918 14/6/22, #2921 6/9/22. These demonstrate that the material</p>	Compliant

Approval ID	Requirement	Evidence Collected	Independent Audit Findings and Recommendations	Compliance Status
	6. The Proponent would control the thermal treatment process (i.e. maintain the temperature below 850oC) to minimise liberation of gaseous fluoride. 7. The Proponent would operate baghouse dust collectors to minimise emissions of particulate matter and particulate-bound contaminants. 8. The Proponent would apply appropriate housekeeping practices to minimise dust generation from concrete apron areas.		meets the final product specification. Analysis conducted in NATA certified laboratory #626. Certificates of analysis sighted. Housekeeping inspection checklists sighted e.g. 1/12/20, 8/12/20, 15/6/21, 21/6/21, 13/9/22, 7/2/23.	
Hazard and Risk	1. The Proponent would prepare and implement a Safety Management System (SMS) for the SPL plant to include elements of the operations, maintenance and management of the facility. The SMS would be developed in accordance with the guidelines issued by the Department of Planning in Hazardous Industry Planning Advisory Paper No.9, "Guidelines for Safety Management Systems". 2. The Proponent would install the following systems within the SMS: - A kiln temperature monitoring and calibration procedure to ensure the temperature control system of the kiln is operated using correct data and information; - A burner management system designed in accordance with AS1853 ("Automatic Oil and Gas Burners: Mechanical Draught", Standards Association of Australia, Sydney, 1983); - A pressure management and monitoring / alarm system for dust extraction equipment; and - A temperature management and alarm system in the baghouse. 3. The Proponent would construct the SPL facility so that it incorporates: - Bunding of truck loading areas to prevent potential contamination of nearby drains and stormwater run-off channels; - The rotary kiln would be fitted with blast panels to minimise the potential for explosion damage to the kiln shell; and - An interlock would be fitted to the water supply system and induction fan.	SMS OEMP Site inspection Annual Reports Supplements	SMS approved by Department, as described previously in this audit checklist. Kiln temperature monitoring observed via Annual Report Supplements (2020, 2021, 2022) showing monthly screenshots. Maintenance Work order showing e.g. (16/6/21). Blast panels observed. Bunded site.	Compliant

Approval ID	Requirement	Evidence Collected	Independent Audit Findings and Recommendations	Compliance Status
Human Health	1. The environmental controls as listed in Section 2.4 of this EA would be implemented.	Environmental Assessment Site Inspection OEMP CEMP	Controls listed including standards for SPL handling and preparation; enclosed external plant, dust extraction, alarms and shut down, baghouse temperature monitoring, bunded areas for material transfer, stormwater controls, kiln monitoring, burner management and product handling to introduce moisture. Site inspection and Regain documentation demonstrate compliance with these controls.	Compliant
Traffic and Transport	<ol style="list-style-type: none"> 1. Operate in accordance with the Road Transport Act 2013. 2. Construction vehicles carrying loose materials to and from the site would be covered after loading (prior to traversing public roads) to prevent windblown dust emissions and spillages. 3. In the event of a spillage of materials from construction vehicles onto a public road, the RMS & EPA would be notified and the spilled material would be removed. 4. Construction traffic would only traverse those public roads as outlined in the EA, which are public roads that are suitable for heavy vehicles. 5. Additionally, adequate on-site parking would be provided for construction traffic so that no construction vehicles would be parked on the surrounding road network. The following specific traffic mitigation measures would be applied to the Project during operation: <ul style="list-style-type: none"> · Site access procedures including the proposed haulage route would be communicated to site personnel and heavy vehicle operators. Trucks would ensure loads are appropriately covered and sealed to protect transported material from wind and rain. 	Interviews Site audits	Construction requirements reviewed during the previous audit and found to address the traffic and transport requirements. No construction activities occurred during the current audit period. Review of internal audit reports and site inspections during construction confirm compliance with traffic and transport requirements. (Independent Audit Report, 2020).	Compliant

Approval ID	Requirement	Evidence Collected	Independent Audit Findings and Recommendations	Compliance Status
Noise and Vibration	<ol style="list-style-type: none"> 1. The Proponent would implement noise mitigation strategies to achieve the following: - Operational noise levels are maintained at 10 dB(A) below the existing Leq noise level of the smelter; and - The L1 (1 min) level of any specific noise source would not exceed the background noise level (L90) by more than 15 dB(A) when measured outside the bedroom window of the nearest residential receiver (in accordance with DECC's Environmental Noise Control Manual). 2. The Proponent would implement noise mitigation strategies in the CEMP, including but not limited to the following: - Unless otherwise agreed by DECC, construction activity, likely to impact on sensitive receivers, would only occur during the period: 7.00am to 6.00pm Monday to Friday; 8.00am to 1.00pm Saturday; and § No work on Sundays or public holidays. 3. Construction noise shall not exceed 5 dB above background levels (as prescribed by EPA Environmental Noise Control Manual criteria). 	Interviews CEMP OEMP Complaints Register	No noise complaints have been received. Construction timings were restricted to those specified in this commitment. Construction requirements reviewed during the previous audit and found to address the traffic and transport requirements. No construction activities occurred during the current audit period. (Independent Audit Report, 2020).	Compliant
Waste	<ol style="list-style-type: none"> 1. All construction waste would be classified in accordance with the Waste Classification Guidelines (EPA, 2014) prior to disposal and transported to an appropriately licensed waste disposal facility. 2. The site EMP would be reviewed and updated following approval of the Project as modified, if necessary. 3. A variation to EPL 13269 would be sought to provide for the revised site layout and emission points following approval of the Project. 4. The EHC Licence (#88) would be reviewed following approval of the Project and if required a variation sought to maintain consistency. 5. SPL material would be maintained under cover within Shed 5 prior to processing. 6. Exposed treated product would be maintained in a moist condition to prevent dust rising. Treated product would be stockpiled within Shed 6. 	CEMP OEMP Site inspection Annual reports	Construction requirements reviewed during the previous audit and found to address the traffic and transport requirements. No construction activities occurred during the current audit period. (Independent Audit Report, 2020). Minimal construction waste generated. Waste disposed of in accordance with Waste Classification Guidelines by utilising TAC waste management system. EPL is currently under review.	Compliant

Approval ID	Requirement	Evidence Collected	Independent Audit Findings and Recommendations	Compliance Status
			<p>Environmental Hazardous Chemicals Act Licence #88 (11 July 2020) recently renewed (8 July 2023, with a change in licence number to #1630208.</p> <p>SPL material is covered in Shed 5 waiting for processing.</p> <p>Shed 6 stores treated product, which is maintained in a moist condition.</p>	
Water and Soil	<ol style="list-style-type: none"> 1. The Stormwater Management Plan would be reviewed and updated to accompany the modified Project. 2. The Proponent shall implement all practicable measures to minimise the discharge of sediments, contaminants and pollutants to surface and ground water as a result of the operation of the facility. 3. The Proponent shall ensure that all drains and stormwater channels outside the SPL bunded area are directed to the existing site first flush pond. 4. The Proponent shall ensure there is no outside truck loading in the SPL facility during rain periods. 5. The Proponent shall implement ground water and surface water quality management strategies in the CEMP. 	<p>Stormwater Management Plan</p> <p>Project HSE CEMP audit report 24/6/20</p> <p>Site inspection OEMP</p>	<p>Stormwater management plan was updated and approved by the Department, as previously detailed.</p> <p>Stormwater management is in accordance with the plan and was routinely audited during construction.</p>	Compliant
<p>Environmental Protection Licence #13269 dated 29 July 2020</p>				
1 A1 A1.1	<p>ADMINISTRATIVE CONDITIONS</p> <p>What the licence authorises and regulates</p> <p>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</p>	Site Inspection	Regain Services conducts scheduled activities of resource recovery and waste storage at the premises specified in Condition A2.1.	Compliant

Approval ID	Requirement	Evidence Collected	Independent Audit Findings and Recommendations	Compliance Status								
	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. Resource Recovery - Recovery of hazardous and other waste – Any hazardous and other waste recovered. Waste Storage - Waste storage - hazardous, restricted solid, liquid, clinical and related waste and asbestos waste – Any listed waste type stored		Transport of trackable waste is managed via EPL #20976. Site inspection and review of documentation confirmed no other scheduled activities are undertaken.									
A2 A2.1	Premises or plant to which this licence applies The licence applies to the following premises: Regain Site, Located within the Tomago Aluminium Site, Tomago Road, Tomago NSW 2322.	Site inspection	The activities are conducted completely within the Tomago Aluminium Site on Tomago Road, Tomago in a designated area.	Compliant								
A3 A3.1	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.	Evidence recorded in this audit checklist.	Audit confirmed compliance with EPL#13269.	Compliant								
2 P1 P1.1	DISCHARGES TO AIR AND WATER AND APPLICATIONS TO LAND Location of monitoring/discharge points and areas The following points referred to in the table 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.	Interview Site Inspection Monitoring reports – see below.	Monitoring points 2 and 3 have not yet been commissioned.	Compliant								
	<table border="1"> <thead> <tr> <th>EPA identification no.</th> <th>Type of Monitoring Point</th> <th>Type of Discharge Point</th> <th>Location Description</th> </tr> </thead> <tbody> <tr> <td>1</td> <td>Discharge to air Air emissions monitoring</td> <td>Discharge to air Air emissions monitoring</td> <td>“Rotary Kiln Discharge Stack” marked and shown on the Plan.</td> </tr> </tbody> </table>	EPA identification no.	Type of Monitoring Point	Type of Discharge Point	Location Description	1	Discharge to air Air emissions monitoring	Discharge to air Air emissions monitoring	“Rotary Kiln Discharge Stack” marked and shown on the Plan.			
EPA identification no.	Type of Monitoring Point	Type of Discharge Point	Location Description									
1	Discharge to air Air emissions monitoring	Discharge to air Air emissions monitoring	“Rotary Kiln Discharge Stack” marked and shown on the Plan.									

Approval ID	Requirement	Evidence Collected	Independent Audit Findings and Recommendations	Compliance Status
2	Discharge to air Air emissions monitoring	Discharge to air Air emissions monitoring	Spent Pot Lining (SPL) Drying and Blending Plant dust collector stack – location to be advised and an updated premises plan provided to the EPA when commissioned.	
3	Discharge to air Air emissions monitoring	Discharge to air Air emissions monitoring	Spent Pot Lining (SPL) Preparation Facilities Stack marked and shown on the Plan.	
4	Temperature Monitoring		Rotary Kiln Temperature Control marked and shown on the Plan.	
5	Meteorological monitoring		Either the Tomago Aluminium weather monitoring station or a weather station on the Regain premises as described in condition A2.1	
6	Discharge to air Air emissions monitoring	Discharge to air Air emissions monitoring	Rotary Kiln Discharge Stack marked and shown on the Plan.	
7	Discharge to air Air emissions monitoring	Discharge to air Air emissions monitoring	New Fine Grinding Mill Stack location to be advised ad an updated premises plan provided to the EPA when commissioned	
8	Temperature Monitoring		Rotary Kiln 2 Temperature Control marked and shown on the Plan.	
P1.2	For the purpose of the table(s) above, "the Plan" refers to the plan titled "Regain Site, Plan Showing Lease Boundary Within Tomago Aluminium Plant", prepared by Hunter	Interview Site Inspection Monitoring reports – see below.	Construction completed – under extended commissioning phase.	

Approval ID	Requirement	Evidence Collected	Independent Audit Findings and Recommendations	Compliance Status
	Survey Services Pty Ltd, Revision 3, dated 24/1/2020 (EPA reference DOC20/898-9).			
L1 L1.1	<p>LIMIT CONDITIONS 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 <i>Protection of the Environment Operations Act 1997</i>.</p>	Site inspection Annual reports	There was no evidence to indicate that pollution of any waters has occurred, hence complying with section 120 of the <i>Protection of the Environment Operations Act 1997</i> .	Compliant
L2 L2.1	<p>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.</p>	<p>Regain Environmental Pollution Monitoring Data. Tomago Emissions Monitoring Data Regain Materials</p> <p>Port Hunter Environmental Regain Tomago – Biannual Emissions Testing Report August 2021 dated 7 October 2021</p> <p>Port Hunter Environmental Regain Tomago – Biannual Emissions Testing Report June 2022 dated 17 October 2022</p>	<p>Results were reviewed from Regain Environmental Pollution Monitoring Data. These are collated from the Port Hunter Environmental biannual reports (e.g. reviewed report for August 2021, June 2022). Tomago Air Emissions Testing reports Biannual Round 2 for 2020, Rounds 1 and 2 for 2021 and 2022 and Round 1 for 2023. In all cases the measured emission concentrations reported for all parameters listed for Point 1 were within the concentration limits specified. It is noted that all Environmental monitoring data is measured, as required by the EPL. This data is displayed on the Environmental Pollution Monitoring – Obtained Data</p>	Compliant

Approval ID	Requirement	Evidence Collected	Independent Audit Findings and Recommendations	Compliance Status
			<p>document available on the Regain Tomago Expansion website. http://www.regainmaterials.com/about/regain-operations/tomago/tomago-emissions-monitoring-data</p> <p>Temperature data is recorded and is well below the upper limit of 850°C.</p>	
L2.2	Air Concentration Limits are specified in tables – refer to EPL document.	No action required – see L2.2	There is no action required by Regain Services. Condition specifies limits. Compliance with these limits is reported in L2.1.	Note only
L2.3	The limit for polycyclic aromatic hydrocarbons (PAH) in the table(s) above are applied as benzo(a)pyrene (BaP) equivalent.	Noted	Noted	Note only
L2.4	For the purpose of the table(s) above, TBC means that the oxygen correction for the pollutants lists for Points 1 and 6 are to be confirmed as part of the monitoring required under condition M2.2 and the Post Commissioning Air Emissions Verification Report required under condition E1.1.	Noted – commissioning has not yet been completed.	Noted	Not triggered
NOTES	<p>Re: Point 2: At the time of issue of this licence the SPL Drying and Blending Plant had not been constructed. The limits and monitoring for Point 2 do not apply until processing of SPL material occurs in the Drying and Blending Plant.</p> <p>Re: Point 3: At the time of issuing this licence the SPL Preparation Facility in Shed 5 is serviced by pollution controls operated by Tomago Aluminium Company Ltd</p>		Noted - commissioning not yet completed	Note only

Approval ID	Requirement	Evidence Collected	Independent Audit Findings and Recommendations	Compliance Status
	(Covered by Environment Protection Licence 6163). Upon separate pollution controls being installed for the SPL Preparation Facility air emissions from that facility must meet the limits shown above for Point 3 and monitoring as detailed for Point 3 must be undertaken.			
L3 L3.1	<p>Waste</p> <p>The licensee must not cause, permit or allow any waste to be received at the premises, except the wastes expressly referred to in the column titled “Waste” and meeting the definition, if any, in the column titled “Description” in the table below. Any waste received at the premises must only be used for the activities referred to in relation to that waste in the column titled “Activity” in the table below. Any waste received at the premises is subject to those limits or conditions, if any, referred to in relation to that waste contained in the column titled “Other Limits” in the table below. This condition does not limit any other conditions in this licence.</p>	Interview Annual reports as above	No waste is received other than that specified.	Compliant
L4 L4.1	<p>Noise limits</p> <p>Noise from the premises must not exceed the noise limits shown in the table – see EPL #13269.</p>	Complaints Register OEMP Site inspection Independent Audit Report (Ardent Group, 2020). AECOM Rod Mill Noise Measurements letter report dated 1/4/2020.	The site is contained within the Tomago Aluminium Smelter site. An Independent Audit noise study was conducted in 2013 (as noted in Independent Audit Report 2017). There has been no change in noise or sensitive receptors. Noise measurements were determined for the rod mill to provide sound power levels without external panels installed. No noise complaints have been made. Complaints register sighted.	Compliant

Approval ID	Requirement	Evidence Collected	Independent Audit Findings and Recommendations	Compliance Status
L4.2	Operation of the licenced premises must not cause noise emissions that would cause an increase of the current noise levels at any noise affected premises.	Complaints Register Site inspection	The site is contained within the Tomago Aluminium Smelter site. No noise complaints have been made.	Compliant
L4.3	The noise limits set out in the Noise Limits table apply under all meteorological conditions except for the following: a) Wind speeds greater than 3 metres/second at 10 metres above ground level; or b) Stability category F temperature inversion conditions and wind speeds greater than 2 metres/second at 10 metres above ground level; or c) Stability category G temperature inversion conditions.	Independent Audit Report (Ardent Group, 2017) Interview Operations Manager	The 2017 Independent Audit Report notes that the noise compliance report demonstrated acceptable weather conditions during noise monitoring. No further noise monitoring has been required.	Compliant
L4.4	To determine compliance:	Independent Audit Report (Ardent Group, 2017)	The 2017 Independent Audit Report notes that the noise compliance report demonstrated acceptable location for noise monitoring. No further noise monitoring has been required.	Compliant
a)	with the Leq(15 minute) noise limits in the Noise Limits table, the noise measurement equipment must be located:			
i)	approximately on the property boundary, where any dwelling is situated 30 metres or less from the property boundary closest to the premises; or			
ii)	within 30 metres of a dwelling façade, but not closer than 3m, where any dwelling on the property is situated more than 30 metres from the property boundary closest to the premises; or, where applicable			
iii)	within approximately 50 metres of the boundary of a National Park or a Nature Reserve.			
b)	with the LA1(1 minute) noise limits in the Noise Limits table, the noise measurement equipment must be located within 1 metre of a dwelling façade.			
c)	with the noise limits in the Noise Limits table, the noise measurement equipment must be located:			

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i)	at the most affected point at a location where there is no dwelling at the location; or			
ii)	at the most affected point within an area at a location prescribed by part (a) or part (b) of this condition.			
L4.5	For the purposes of determining the noise generated on the premises the modification factors in Section 4 of the NSW Industrial Noise Policy must be applied to the noise levels measured by the noise monitoring equipment.	Independent Audit Report (Ardent Group, 2017)	The 2017 Independent Audit Report notes that the noise compliance report referred to the NSW Industrial Noise Policy.	Compliant
4 O1 O1.1	OPERATING CONDITIONS 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.	Regain Management System CEMP OEMP	Regain operate under a certified management system compliant with ISO14001:2015, ISO45001:2018 and ISO9001:2015.	Compliant
O2 O2.1	Maintenance of plant and equipment 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.	Interview Operations Manager Examples of work orders were sighted e.g. lube checks 4/4/21, gas burner maintenance 22/3/23, dust collector 24/2/22.	Regain manages maintenance scheduling via the Winchill Maintenance System – a lifecycle management system. Programmed maintenance is conducted. Work orders are scheduled. Details of work to be performed, including checks are detailed. Procedures are in place in the form of safe work check sheets. Operators are trained and assessed; competency statements are in place. There was no evidence to	Compliant

Approval ID	Requirement	Evidence Collected	Independent Audit Findings and Recommendations	Compliance Status
			indicate that plant and equipment is not maintained and operated in a proper and efficient manner.	
O3 O3.1	<p>Dust All operations and activities occurring at the premises must be carried out in a manner that will minimise the emission of dust from the premises.</p>	<p>Site Inspection</p> <p>Operational Environmental Management Plan (OEMP) (116C004 v8.2 dated 21 January 2023) Table 7.</p> <p>Complaints Register shows no dust complaints.</p>	<p>Table 7 OEMP lists risk controls to minimise dust. These include handling SPL material under cover; ensure SPL Building 5 is kept closed and under negative pressure; processed material is kept damp and stored in shed 6; rumble grids are at the doorways of sheds 5 and 6; routine sweeping occurs on site roads and paved areas; trucks are inspected after loading and unloading of material.</p> <p>Safe work check sheets are in place to manage potential hazards including dust e.g. Loading Trucks in shed 6 there is a requirement to ensure that the bucket in inside the building to avoid dust and ensure any spills or debris are cleaned up.</p> <p>Baghouse inspections and maintenance are conducted. Bags are changed as required.</p> <p>Third party emissions stack monitoring occurs and compliance with limits has been demonstrated (see below).</p>	Compliant

Approval ID	Requirement	Evidence Collected	Independent Audit Findings and Recommendations	Compliance Status
			Site inspection verified these controls outlined in Table 7 OEMP were in place and effective. No evidence of dust sighted during site inspection.	
O3.2	No visible dust shall be emitted from the premises at any time.	Site inspection	No dust sighted.	Compliant
O4 O4.1	Emergency response The Licensee must ensure that persons conveying and/or handling spent potline waste containing fluoride and/or cyanide are trained in methods to appropriately deal with, and contain, spills or incidents. This includes the provision of appropriate personal protective equipment, clean-up material and equipment to deal with any spill.	Operational Environmental Management Plan (OEMP) (116C004 v8.1 dated 21 January 2023). ERP records dated 5/10/21 and 20/10/22. Pollution Incident Response Management Plan (116C012 v3.2 19 January 2023) Induction records e.g. 16/1/23. Induction assessments e.g. 13/3/23.	TAC Induction and Regain Induction. These inductions include spills and incident management. Emergency response drill conducted 5/10/21 – torrential rain blocking drainage system; 20/10/22 – damaged natural gas line.	Compliant
O4.2	In the event of a spill or incident the Licensee must take all necessary and appropriate actions to ensure the spill or incident is contained and managed in an appropriate manner so that it does not further migrate within the premises, or to adjoining premises, or waters, and does not pollute the premises, or adjoining premises, or waters.	Interviews Annual Reports Site inspection	No spills have occurred.	Not triggered
O5 O5.1	Waste management All above ground tanks containing material that is likely to cause environmental harm must be bunded or have an alternative spill containment system in place.	Site inspection	There are no tanks containing waste.	Not Triggered.

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O5.2	The licensee may receive waste classified as hazardous, or restricted solid waste, and aluminium smelter waste, as defined by the Environmentally Hazardous Chemicals Act "Chemical Control Order in Relation to Aluminium Wastes Containing Fluoride and/or Cyanide" in the form of spent pot-liner materials containing components of cyanide and fluoride for the purpose of recycling this waste into products.	Environmentally Hazardous Chemicals Act Licence #88	Environmentally Hazardous Chemicals Act Licence #88 audited as part of the current audit.	Compliant
O5.3	Spent potliner waste containing fluoride and cyanide must be kept on the premises in such a manner so that no leachate nor wind borne material can escape from the premises.	Site Inspection	Aluminium smelter waste stored in contained shed. No evidence of wind borne material escaping from the premises, nor any potential for leachate escaping from site.	Compliant
O5.4	The storage area for the spent potliner waste must be maintained in good order and condition.	Site inspection. Operational Environmental Management Plan (OEMP) (116C004 v8.2 dated 21 January 2023) Table 7.	The site inspection confirmed that all SPL waste is stored in shed 5. Process SPL waste is processed in the thermal treatment plant and stored in shed 6. Sheds are in good condition with appropriate roofing. OEMP Table 7 specifies storage and handling requirements for SPL waste.	Compliant
5 M1 M1.1	MONITORING AND RECORDING Monitoring records 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.	Regain Environmental Pollution Monitoring Data – as previously stated, available on Regain Tomago website. Reports include required monitoring, as previously stated.	All monitoring records required by the conditions of this licence are kept, as required.	Compliant

Approval ID	Requirement	Evidence Collected	Independent Audit Findings and Recommendations	Compliance Status
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.	Regain Environmental Pollution Monitoring Data – available on Regain Tomago website. Interview Operations Manager Reports as previously specified	All monitoring records reviewed are legible. Records date back to 2012. Advised that the EPA has not asked for the records. Reports provided by air monitoring consultant and kept.	Compliant
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.	e.g. Port Hunter Environmental Regain Tomago – Biannual Emissions Testing Report August 2021 dated 7 October 2021 Port Hunter Environmental Regain Tomago – Biannual Emissions Testing Report June 2022 dated 17 October 2022	Records from air monitoring address the requirements specified in M1.3 a) to d).	Compliant
M2 M2.1	Requirement to monitor 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 in Column 1. The licensee must use the sampling method, units of measure, and sample at the frequency, specified opposite in the other columns:		Records from air monitoring address the requirements specified in M2.1.	Compliant
M2.2	Air Monitoring Requirements are specified in the table. See EPL #13269.	e.g. Port Hunter Environmental Regain Tomago – Biannual Emissions Testing Report	Air emission monitoring occurs in line with the frequency and method detail in the EPL. Details	Compliant

Approval ID	Requirement	Evidence Collected	Independent Audit Findings and Recommendations	Compliance Status
M2.3	<p>For the purposes of the table(s) above,</p> <p>(a) Special Frequency 1 means the collection of samples every 3 months until the EPA reviews this matter following consideration of the air emissions verification report required by Pollution Reduction Program 1 of this licence.</p> <p>(b) Special Frequency 2 means the collection of samples on a quarterly basis for a 12 month period post commissioning, and every 6 months thereafter.</p> <p>(c) Special Frequency 3 means post commissioning, and every 6 months thereafter.</p>	<p>August 2021 dated 7 October 2021</p> <p>Port Hunter Environmental Regain Tomago – Biannual Emissions Testing Report June 2022 dated 17 October 2022</p>	<p>are reported in the emissions testing reports e.g. conducted by Port Hunter Environmental. It is noted that Cadmium is not specified despite it being listed in the Air Concentration Limits table at Condition L2.2. An opportunity for improvement is during the current EPL review, update the EPL to establish consistency between the air concentration limits (L2.2), the air monitoring requirements (M2.2) and the annual report template.</p>	OFI
M3 M3.1	<p>Testing methods – concentration limits</p> <p>Monitoring for the concentration of a pollutant emitted to the air required to be conducted by this licence must be done in accordance with:</p> <p>a) any methodology which is required by or under the Act to be used for the testing of the concentration of the pollutant; or</p> <p>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</p> <p>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.</p>	<p>e.g. Port Hunter Environmental Regain Tomago – Biannual Emissions Testing Report August 2021 dated 7 October 2021</p> <p>Port Hunter Environmental Regain Tomago – Biannual Emissions Testing Report June 2022 dated 17 October 2022</p>	<p>Monitoring is conducted in accordance with the specified method.</p>	Compliant
M4 M4.1	<p>Weather monitoring</p> <p>For each monitoring point specified in the table in the EPL #13269 the licensee must monitor (by sampling and obtaining results by analysis) the parameters specified in</p>	<p>Weather monitoring is conducted by TAC.</p>	<p>Weather monitoring data can be retrieved from the TAC weather monitoring program.</p>	Compliant

Approval ID	Requirement	Evidence Collected	Independent Audit Findings and Recommendations	Compliance Status
	Column 1. The licensee must use the sampling method, units of measure, averaging period and sample at the frequency, specified opposite in the other columns.			
M5 M5.1	Recording of pollution complaints 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.	Annual Return 2020 dated 30/12/20 Annual Return 2021 dated 23/12/21 Annual Return 2022 dated 22/12/22 Complaints Register	No complaints have been reported – sighted register.	Not Triggered
M5.2	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; 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.	Annual Return 2020 dated 30/12/20 Annual Return 2021 dated 23/12/21 Annual Return 2022 dated 22/12/22 Complaints Register	No complaints have been reported – sighted register.	Not Triggered
M5.3	The record of a complaint must be kept for at least 4 years after the complaint was made.	Complaints Register	No complaints have been reported – sighted register.	Not Triggered
M5.4	The record must be produced to any authorised officer of the EPA who asks to see them.	Not applicable	No complaints have been reported.	Not Triggered
M6 M6.1	Telephone complaints line The licensee must operate during its operating hours a telephone complaints line for the purpose of receiving any	http://www.regainmaterials.com/about/regain-operations/tomago/tomago-capacity-increase-project	Number provided for information or complaints.	Compliant

Approval ID	Requirement	Evidence Collected	Independent Audit Findings and Recommendations	Compliance Status
	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.			
M6.2	Requirement 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.	http://www.regainmaterials.com/about/regain-operations/tomago/tomago-capacity-increase-project	Number provided for information or complaints.	Compliant
M6.3	The preceding two conditions do not apply until 3 months after: the date of the issue of this licence.	http://www.regainmaterials.com/about/regain-operations/tomago/tomago-capacity-increase-project	Number provided for information or complaints.	Compliant
M7 M7.1	Other monitoring and recording conditions Sampling Aluminium Smelter Wastes Any sampling and testing procedures referred to in this licence for spent pot-liner waste must be carried out in accordance with the State Pollution Control Commission document titled "Procedures for the Sampling and Analysis of Aluminium Smelter Wastes for Determination of Leachable Fluoride and/or Leachable Cyanide", dated 19 December 1986	EPL #13269	Sampling of spent potliner waste is not conducted as it is not required by this licence.	Not Triggered
6 R1 R1.1	REPORTING CONDITIONS Annual return documents 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. Note: An application to transfer a licence must be made in the approved form for this purpose. The licensee must complete and supply to the EPA an Annual Return in the approved form comprising: 1. a Statement of Compliance, 2. a Monitoring and Complaints Summary,	Annual Return 2020 dated 30/12/20 Annual Return 2021 dated 23/12/21 Annual Return 2022 dated 22/12/22	Annual returns have been completed in accordance with specified requirements.	Compliant

Approval ID	Requirement	Evidence Collected	Independent Audit Findings and Recommendations	Compliance Status
	<p>3. a Statement of Compliance - Licence Conditions, 4. 4. a Statement of Compliance - Load based Fee, 5. a Statement of Compliance - Requirement to Prepare Pollution Incident Response Management Plan, 6. a Statement of Compliance - Requirement to Publish Pollution Monitoring Data; and 7. a Statement of Compliance - Environmental Management Systems and Practices.</p> <p>At 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.</p>			
R1.2	An Annual Return must be prepared in respect of each reporting period, except as provided below.	Not applicable		Not Triggered
R1.3	<p>Where this licence is transferred from the licensee to a new licensee:</p> <p>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.</p>			
R1.4	Where this licence is surrendered by the licensee or revoked by the EPA or Minister, the licensee must prepare an Annual	Not applicable		Not triggered

Approval ID	Requirement	Evidence Collected	Independent Audit Findings and Recommendations	Compliance Status
	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.			
R1.5	The Annual Return for the reporting period must be supplied to the EPA via eConnect <i>EPA</i> or 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').	EPL #13269 Lodged online Winchill records	Anniversary date is 5 November. Annual return lodged within 60 days of anniversary date.	Compliant
R1.6	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.	Annual Return 2020 dated 30/12/20 Annual Return 2021 dated 23/12/21 Annual Return 2022 dated 22/12/22	Annual returns kept on Winchill system	Compliant
R1.7	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.	Annual Return 2020 dated 30/12/20 Annual Return 2021 dated 23/12/21 Annual Return 2022 dated 22/12/22	Annual returns signed by licence holder.	Compliant

Approval ID	Requirement	Evidence Collected	Independent Audit Findings and Recommendations	Compliance Status
R2 R2.1 R2.2	<p>Notification of environmental harm</p> <p>Note: The licensee or its employees must notify all relevant authorities of incidents causing or threatening material harm to the environment immediately after the person becomes aware of the incident in accordance with the requirements of Part 5.7 of the Act.</p> <p>Notifications must be made by telephoning the Environment Line service on 131 555.</p> <p>The licensee must provide written details of the notification to the EPA within 7 days of the date on which the incident occurred.</p>	Interview Operations manager Site Inspection Annual Reports	No environmental harm caused.	Not Triggered
R3 R3.1 a) b)	<p>Written report</p> <p>Where an authorised officer of the EPA suspects on reasonable grounds that:</p> <p>a) where this licence applies to premises, an event has occurred at the premises; or</p> <p>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.</p>	Interview Operations manager	No events have occurred. No advice from EPA relating to events.	Not Triggered
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.	Interview Operations manager	No events have occurred. No advice from EPA relating to events.	Not Triggered
R3.3	The request may require a report which includes any or all of the following information:	Interview Operations manager	No events have occurred. No advice from EPA relating to	Not Triggered

Approval ID	Requirement	Evidence Collected	Independent Audit Findings and Recommendations	Compliance Status
a)	the cause, time and duration of the event;		events.	
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.			
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.	Interview Operations Manager	No written requests made.	Not Triggered
7 G1 G1.1	GENERAL CONDITIONS Copy of licence kept at the premises or plant A copy of this licence must be kept at the premises to which the licence applies.	EPL#13269 Site audit	EPL#13269 available on the premises.	Compliant

Approval ID	Requirement	Evidence Collected	Independent Audit Findings and Recommendations	Compliance Status
G1.2	The licence must be produced to any authorised officer of the EPA who asks to see it.	Interview Operations Manager	Not requested by EPA.	Not Triggered
G1.3	The licence must be available for inspection by any employee or agent of the licensee working at the premises.	EPL#13269 Site audit	EPL#13269 available on the premises.	Compliant
G2	Other General Conditions Completed Programs PRP 2 – Noise Survey Submit noise survey within 12 months of EPL Completed 07 November 2013			
8 U1 U1.1	<p>POLLUTION STUDIES AND REDUCTION PROGRAMS</p> <p>PRP 1 – Air Emissions Verification Report</p> <p>Within 9 months of the issue of this licence the licensee must submit an Air Emissions Verification Report to the EPA detailing the results of source emissions sampling and analysis, undertaken at Points 2 and 3, in accordance with the requirements specified in condition M2.1 of this licence.</p> <p>The report must include, but not necessarily be limited to, the following:</p>	Interview with Operations Manager	Commissioning is currently occurring therefore the Air Emissions Verification Report is not yet required.	Not Triggered
a)	A minimum of 3 tests must be conducted with the premises operating at full capacity;			
b)	All monitoring required by this licence;			
c)	Copies of all analytical test reports for all substances sampled and tested;			

Approval ID	Requirement	Evidence Collected	Independent Audit Findings and Recommendations	Compliance Status
d)	Demonstrate compliance with the requirements of the Clean Air (Plant and Equipment) Regulation 2010.			
e)	Compare the results to predictions made in the Environmental Assessment and ancillary reports, including a submission dated 6 September 2012 concerning proposed limits for the licence; and			
f)	The report may make recommendations for future monitoring frequency and licence concentration limits and if so must be accompanied by information demonstrating that such limits would not result in ambient ground level criteria being exceeded.			
9 E1 E1.1	<p>SPECIAL CONDITIONS</p> <p>Post Commissioning Air Emissions Verification Report – Rotary Kiln 2 and Fine Grinding Mill</p> <p>Fine Grinding Mill E1 E1.1 Within one month of commissioning Points 6; 7; and, 8, the licensee must provide written notification to the EPA advising the commissioning of these Points. Notification must be provided to the EPA at PO Box 488G, Newcastle NSW 2300, or by email to hunter.region@epa.nsw.gov.au.</p>		Commissioning is currently occurring therefore the Air Emissions Verification Report is not yet required.	Not Triggered
E1.2	<p>Within 12 months of commissioning Points 6; 7; and 8, the licensee must submit a Post Commissioning Air Emissions Verification Report to the EPA. The Post Commissioning Air Emissions Verification Report must:</p> <p>(a) Include details of all air emissions monitoring and associated analytical results from monitoring required by the licence.</p> <p>(b) Provide information on the processing conditions during the time when monitoring was undertaken. This must</p>		Commissioning is currently occurring therefore the Air Emissions Verification Report is not yet required.	Not Triggered

Approval ID	Requirement	Evidence Collected	Independent Audit Findings and Recommendations	Compliance Status
	<p>include, but is not limited to, the SPL being processed and the smelter from which it originated.</p> <p>(c) With consideration of the processing conditions when monitoring was undertaken (as per (b) above), demonstrate the post commissioning emissions monitoring results adequately captures worse case emissions.</p> <p>(d) Compare the post commissioning monitoring against the relevant concentration limits provided in the licence and the Protection of the Environment Operations (Clean Air) Regulation 2010.</p> <p>(e) For Points 1 and 6, propose and justify oxygen corrections for the pollutants listed in condition L2.2 in respect of the respective concentration limits.</p> <p>(f) Detail action taken or proposed to be taken to achieve the concentration limits provided in the licence and the Protection of the Environment Operations (Clean Air) Regulation 2010, where the monitoring undertaken identifies any exceedances.</p> <p>The Post Commissioning Air Emissions Verification Report must be submitted to the EPA at PO Box 488G, Newcastle NSW 2300, or emailed to hunter.region@epa.nsw.gov.au</p>			
Environmental Protection Licence #20976 dated 8 August 2017				
1 A1 A1.1	<p>Administrative Conditions What the licence authorises and regulates</p> <p>This licence authorises the transport of waste.</p>	Interview with Operations Manager	Transportation of SPL waste.	Compliant
A1.2	<p>The activities are listed according to their scheduled activity classification, fee-based activity classification and the scale of the operation (if relevant).</p>	EPL #20976	There is no restriction to the scale specified for transport of category 1 and category 2	Compliant

Approval ID	Requirement	Evidence Collected	Independent Audit Findings and Recommendations	Compliance Status
	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. Transport of trackable waste – category 1 and category 2, any scale.		trackable waste.	
A2 A2.1	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.	Safe Work Check sheet Loading and Transport	Transport of SPL waste from Hydro was conducted as per the licence application. Portland now the external source of SPL.	Compliant
2 P1 P1.1	Discharges to Air and Water and Applications to Land Location of monitoring/discharge points and areas The following utilisation areas referred to in the table 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.	No monitoring points listed.	No monitoring required	Not Triggered.
3 O1 O1.1	Operating Conditions 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.	OEMP Waste Transport Certificates e.g. dated 12/7/2022 – 10/7/2023 approved. Pick up Portland 17/8/22 drop off 18/8/22. Interview Operations Manager Traffic Management Plan	SPL waste is loaded into Shed 5 under controlled conditions. Waste certificates are processed online.	Compliant
O2 O2.1	Maintenance of plant and equipment 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.	Interview Winchill Management System records	Regain manages maintenance scheduling via the Winchill Maintenance System – a lifecycle management system. Programmed maintenance is conducted. Work orders are scheduled. Details of work to be performed, including checks are detailed.	Compliant

Approval ID	Requirement	Evidence Collected	Independent Audit Findings and Recommendations	Compliance Status
			<p>Pre-start checks conducted on trucks daily.</p> <p>Procedures are in place in the form of safe work check sheets. Operators are trained and assessed; competency statements are in place.</p> <p>There was no evidence to indicate that plant and equipment is not maintained and operated in a proper and efficient manner.</p>	
<p>4 M1 M1.1</p>	<p>Monitoring and Recording Conditions Recording of pollution complaints 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.</p>	<p>Complaints Register Interview Operations Manager</p>	<p>No complaints have been made.</p>	<p>Not Triggered</p>
<p>M1.2</p>	<p>The record must include details of the following:</p> <ul style="list-style-type: none"> a) the date and time of the complaint; b) the method by which the complaint was made; 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. 	<p>Complaints Register Interview Operations Manager</p>	<p>No complaints have been made.</p>	<p>Not Triggered</p>

Approval ID	Requirement	Evidence Collected	Independent Audit Findings and Recommendations	Compliance Status
M1.3	The record of a complaint must be kept for at least 4 years after the complaint was made.	Complaints Register Interview Operations Manager	No complaints have been made.	Not Triggered
M1.4	The record must be produced to any authorised officer of the EPA who asks to see them.	Complaints Register Interview Operations Manager	No complaints have been made.	Not Triggered
5 R1 R1.1	Reporting Conditions Notification of environmental harm Notifications must be made by telephoning the Environment Line service on 131 555.	Interview Operations Manager	No environmental harm has occurred.	Not Triggered
R1.2	The licensee must provide written details of the notification to the EPA within 7 days of the date on which the incident occurred.	Interview Operations Manager	No environmental harm has occurred.	Not Triggered
R2.1	Written report Where an authorised officer of the EPA suspects on reasonable grounds that: g) where this licence applies to premises, an event has occurred at the premises; or h) 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.	Interview Operations Manager	EPA has not suspected that an event has occurred. No events have occurred.	Not Triggered
R2.2	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.	Interview Operations Manager	EPA has not suspected that an event has occurred. No events have occurred.	Not Triggered
R2.3	The request may require a report which includes any or all of the following information: i) the cause, time and duration of the event; j) the type, volume and concentration of every pollutant discharged as a result of the event;	Interview Operations Manager	EPA has not suspected that an event has occurred. No events have occurred.	Not Triggered

Approval ID	Requirement	Evidence Collected	Independent Audit Findings and Recommendations	Compliance Status
	k) 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; l) 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; m) action taken by the licensee in relation to the event, including any follow-up contact with any complainants; n) details of any measure taken or proposed to be taken to prevent or mitigate against a recurrence of such an event; and o) any other relevant matters.			
R2.4	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.	Interview Operations Manager	EPA has not suspected that an event has occurred. No events have occurred.	Not Triggered
6 G1 G1.1	General Conditions Copy of licence kept at the premises or plant The licence must be produced to any authorised officer of the EPA who asks to see it.	Interview Operations Manager	Not requested by EPA.	Not Triggered
G1.2	The licence must be available for inspection by any employee or agent of the licensee operating the vehicle.	EPL #20976 Site inspection	EPL #20976 available.	Compliant

Appendix 2 Auditor Declaration of Independence

DECLARATION OF INDEPENDENCE - AUDITOR

Project Name: Regain Spent Potlining Process Facility

Consent Number: MP_06-0050 MOD 2

Description of Project: Spent Potlining Process Facility

Project Address: Tomago Road, Tomago, NSW

Proponent: Regain Services Pty Ltd

Date: 31/3/2023

I declare that:

i. I am not related to any proponent, owner, operator or other entity involved in the delivery of the project. Such a relationship includes that of employer/employee, a business partnership, sharing a common employer, a contractual arrangement outside an Independent Audit, or that of a spouse, partner, sibling, parent, or child;

ii. I do not have any pecuniary interest in the project, proponent or related entities. Such an interest includes where there is a reasonable likelihood or expectation of financial gain (other than being reimbursed for performing the audit) or loss to the auditor, or their spouse, partner, sibling, parent, or child;

iii. I have not provided services (not including independent reviews or auditing) to the project with the result that the audit work performed by themselves or their company, except as otherwise declared to the Department prior to the audit;

iv. I am not an Environmental Representative for the project; and

v. I will not accept any inducement, commission, gift or any other benefit from auditee organisations, their employees or any interested party, or knowingly allow colleagues to do so.

Notes:

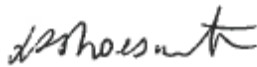
a) Under section 10.6 of the *Environmental Planning and Assessment Act 1979* a person must not include false or misleading information (or provide information for inclusion in) in a report of monitoring data or an audit report produced to the Minister in connection with an audit if the person knows that the information is false or misleading in a material respect. The proponent of an approved project must not fail to include information in (or provide information for inclusion in) a report of monitoring data or an audit report produced to the Minister in connection with an audit if the person knows that the information is materially

relevant to the monitoring or audit. The maximum penalty is, in the case of a corporation, \$1 million and for an individual, \$250,000; and

b) The Crimes Act 1900 contains other offences relating to false and misleading information: section 307B (giving false or misleading information – maximum penalty 2 years imprisonment or 200 penalty units, or both)

Name of Proposed Auditor - Lana Shoesmith

Signature

A handwritten signature in black ink, appearing to read "L. Shoesmith", is written over a dotted line.

Qualifications Bachelor of Science (Hons), Post-graduate Diploma Environmental Management, Graduate Certificate Waste Management, Exemplar Global Registered Master Environmental Auditor (#12299)

Company Ardent Group Pty Ltd

APPENDIX 3 AUDITOR LETTER OF APPROVAL

Department of Planning and Environment

Mr Kevin Cooper
NSW Regional Manager
Regain Services Pty Ltd

Sent via Major Projects portal

14/04/2023

Dear Mr Cooper

Tomago Potliner Facility - Auditor Endorsement Request (MP 06_0050)

I refer to your request (MP06_0050-PA-5) for the Planning Secretary's approval of suitably qualified persons to prepare the Independent Environmental Audit (IEA) for the Regain Tomago Spent Potlining Recycling Facility (the project) in accordance with Schedule 4 Condition 29 of Project Approval MP 06_0050, as modified (the approval).

The Department of Planning and Environment (the department) has reviewed the nominations and information you have provided and is satisfied that these experts are suitably qualified and experienced. Consequently, I can advise that the Planning Secretary approves the appointment of the below experts to prepare the IEA in accordance with Schedule 4 Condition 29 of the approval:

- Lana Shoesmith – Lead Auditor
- Joanne Salmon – Support Auditor

Please ensure this correspondence is appended to the IEA Report.

Under the provisions of Schedule 2, Condition 4 of the approval, the Secretary requests the IEA be prepared, undertaken and finalised in accordance with the *Independent Audit Post Approval Requirements* (Department, May 2020). Failure to meet these requirements may require revision and resubmission.

The IEA period shall be from 31 July 2020 to the IEA site inspection date, which is to be no later than 31 July 2023, unless otherwise agreed by the Planning Secretary.

The IEA report, together with responses to auditor recommendations (RAR) contained in the IEA report, should be submitted to the Department's Major Project Portal within 2 months of the IEA site inspection date, unless otherwise agreed by the Planning Secretary.

Should you wish to discuss the matter further, please contact James Epstein, Senior Compliance Officer, on (02) 6575 3419 or email compliance@planning.nsw.gov.au

Yours sincerely



Heidi Watters
Team Leader Northern
Compliance

As nominee of the Planning Secretary

Appendix 4 Agency Contact Details and Response Summary

Appendix 4A Department Planning and Environment Contact Summary

Date	Action	Contact	Response
26/9/2023	Received call	Jennifer Sage, Senior Compliance Officer, Development Assessment, DPIE	Confirmed no further consultation required, no modification to scope needed, no technical experts required
20/9/2023	Multiple calls (4)	Land line numbers – northern region DPE Compliance, as provided	No answer
18/9/2023	Call left message	Provided Mobile number, DPE Compliance	Left message, no response
15/9/2023	Call left message	Provided Mobile number, DPE Compliance	Left message, no response
6/9/2023	Email advising unable to contact	Regain Director	Provided further contact details – mobile number DPE compliance officer
18/8/2023	Call left message	Land line number, DPE Compliance	Left message, no response
14/8/2023	Call left message	Land line number, DPE Compliance	Left message, no response
14/8/2023	Email requesting contact	Regain Director	Provided contact details – DPE compliance officer

Appendix 4B Opening and Closing Meeting Attendance

Person	Role	Opening Meeting	Closing Meeting
Bernie Cooper	Director, Regain	31/7/23	31/7/23
John Cooper	Operations Manager, Regain	31/7/23	31/7/23
Lana Shoesmith	Master Auditor, Ardent Group	31/7/23	31/7/23

Appendix 5 Auditor Certification

INDEPENDENT AUDIT REPORT DECLARATION

Project Name: Regain Spent Potlining Process Facility

Consent Number: MP_06-0050 MOD 2

Description of Project: Spent Potlining Process Facility

Project Address: Tomago Road, Tomago, NSW

Proponent: Regain Services Pty Ltd

Report Title: Independent Audit Report Regain Services Pty Ltd MP_06-0050 MOD 2

Date: 29/9/2023

I declare that I have undertaken the Independent Audit and prepared the contents of the attached Independent Audit Report and to the best of my knowledge:

- i. the audit has been undertaken in accordance with relevant condition(s) of consent and the *Independent Audit Compliance Requirements (Department 2019)*;
- ii. the findings of the audit are reported truthfully, accurately and completely;
- iii. I have exercised due diligence and professional judgement in conducting the audit;
- iv. I have acted professionally, objectively and in an unbiased manner;
- v. I am not related to any proponent, owner or operator of the project neither as an employer, business partner, employee, or by sharing a common employer, having a contractual arrangement outside the audit, or by relationship as spouse, partner, sibling, parent, or child;
- vi. I do not have any pecuniary interest in the audited project, including where there is a reasonable likelihood or expectation of financial gain or loss to me or spouse, partner, sibling, parent, or child;
- vii. neither I nor my employer have provided consultancy services for the audited project that were subject to this audit except as otherwise declared to the Department prior to the audit; and
- viii. I have not accepted, nor intend to accept any inducement, commission, gift or any other benefit (apart from payment for auditing services) from any proponent, owner or operator of the project, their employees or any interested party. I have not knowingly allowed, nor intend to allow my colleagues to do so.

Notes:

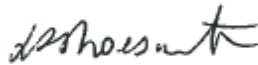
a) Under section 10.6 of the *Environmental Planning and Assessment Act 1979* a person must not include false or misleading information (or provide information for inclusion in) in a report of monitoring data or an audit report produced to the Minister in connection with an audit if the person knows that the information is false or misleading in a material respect. The proponent of an approved project must not fail to include information in (or provide information for inclusion

in) a report of monitoring data or an audit report produced to the Minister in connection with an audit if the person knows that the information is materially relevant to the monitoring or audit. The maximum penalty is, in the case of a corporation, \$1 million and for an individual, \$250,000; and

b) The *Crimes Act 1900* contains other offences relating to false and misleading information: section 307B (giving false or misleading information – maximum penalty 2 years imprisonment or 200 penalty units, or both)

Name of Auditor - Lana Shoesmith

Signature

A handwritten signature in black ink that reads "Lana Shoesmith".

Qualifications Bachelor of Science (Hons), Post-graduate Diploma Environmental Management, Graduate Certificate Waste Management, Exemplar Global Registered Master Environmental Auditor (#12299)

Company Ardent Group Pty Ltd

Company Address 3 Water Street Red Hill QLD 4059

APPENDIX 6 SITE INSPECTION PHOTOGRAPHS

Photo 1 – SPL waste stored undercover in Shed 5. Note rumble grid at entrance.

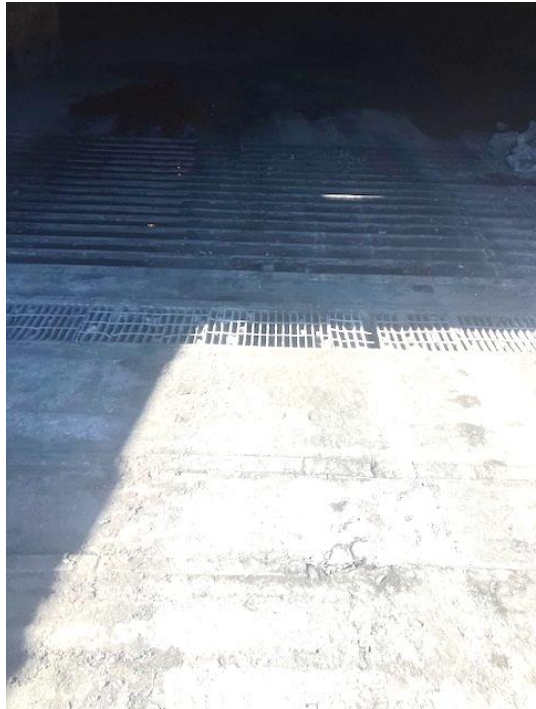


Photo 2 – Shed Entrance Door



Photo 3 – Bunded liquid storage



Photo 4 – Stormwater Interception Sump



Photo 5 – Spill Kit



Photo 6 – Stormwater Storage Tanks



Photo 7 – Washdown Water Hose



Photo 8 – Stormwater Interception Drain



Photo 9 – Thermal Treatment Plant No 2 Dust Collector



Photo 10 – Thermal Treatment Plant No 2 – noting clean hardstand

