



# INDEPENDENT ENVIRONMENTAL AUDIT REPORT

**Regain Services Pty Ltd**

**MP 06\_0050 MOD 2**

28 August 2020  
REG-002

## 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 28-30 July 2020. 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 1 August 2017 to 30 July 2020.

This is the second 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. No non-compliances were identified.

One opportunity for improvement have been identified relating to EPL #13269. It is recommended that the EPL be amended to ensure consistency between monitoring requirements and monitoring limits, and ensuring that all monitoring parameters are included in the annual return template provided by EPA.

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

# 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 7<sup>th</sup> 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 the aluminium smelting industry was recovering and work commenced on the SPL Processing Facility project with the implementation of site improvements and the installation of a Stormwater Catchment System.

In 2016 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 has 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). An application to amend the EPL is pending approval.

At the time of audit, construction of Stage 1 has been completed with commissioning underway. This has involved construction and integration of thermal plant, construction of stormwater system and ancillary components to facilitate an increase in production to 60,000 tonnes per year. Operations at this higher production rate have not yet commenced.

As a part of the upgrade process, a Construction Environmental Management Plan was prepared, which included an Erosion and Sediment Control Plan and Stormwater Management Plan; and the Operations Environmental Management Plan was upgraded and included revisions to the Pollution Incident Response Management Plan; Stormwater Management Plan; Air Quality Management Plan and Emergency Response Plan.

Condition 29 of Project Approval 06\_0050 MOD 2 requires that no later than four weeks before the date notified for the commencement of operations an Independent Audit Program must be prepared and submitted to the Department. This audit program requires an audit to be conducted within 16 weeks of commencement of construction for Stage One. The current Independent Audit addresses this requirement.

## 2.2 Audit Team

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 Lead Environmental Auditor (Exemplar Global #12299) with 25 years' industry experience including mining, construction, power, water, waste and manufacturing, and includes almost 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 8<sup>th</sup> July 2020 (attached Appendix 3).

The Department confirmed that no technical specialists were required.

### 2.3 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 in order to determine the environmental performance and compliance status of the project.

### 2.4 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*
- General obligations specified in the *Protection of the Environment Operations Act 1997*
- DECC *Waste Classification Guidelines*
- Implementation and adequacy of the Construction Environmental Management Plan dated 10 December 2019 (CEMP)
- Implementation and adequacy of the Operations Environmental Management Plan dated 12 June 2020 (OEMP)
- Implementation of previous Independent Audit Findings (September 2017)

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 CEMP and 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 Lead 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 16 March 2018 – Resource Recovery, Waste Storage
- Environmental Protection Licence #20973 dated 8 August 2017 – Transport of Trackable Waste

As required by section 3.2 of the *Independent Audit Post Approval Requirements (May 2020)*, the Department was consulted via telephone (Ann Hagerthy, Senior Compliance Officer on 21/7/20) and she advised that there were no further focus areas to be considered in the audit scope. She also advised that no technical specialist input was required and there was no requirement to make contact with other parties.

### 2.5 Audit Period

As specified in a letter from the Department (8/7/20) the audit period was from 1 August 2017 to the audit inspection date (30<sup>th</sup> July 2020).

## 2.6 Audit Methodology

The Independent Environmental Audit of the Regain Spent Potlining Process Facility was conducted during the period 28-30 July 2020.

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 and the Construction Environmental 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.

## 2.7 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.

## 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 issued
- Environmental Protection Licence #13269 dated 16 March 2018
- Environmental Protection Licence #20976 dated 8 August 2017

The key documents included:

- Construction Environmental Management Plan dated 10 December 2019
- Operations Environmental Management Plan dated 12 June 2020

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, which has been recently certified (16 March 2020). 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 Construction Environmental Management Plan and 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

No non-compliances were identified during the audit. No non-compliances were identified during the audit period.

### 3.5 Previous Audit Recommendations

A review of the status of actions conducted arising from the previous Independent Audit Report findings from the 2017 audit showed that the two non-compliances raised in relation to the EPL #13269 had been addressed and closed out. Actions included obtaining an amendment to EPL #13269 in relation to meteorological monitoring requirements and adding details on the Regain website regarding a complaints line.

Opportunities for improvement raised in the previous audit have also been closed out. These related to some specific examples in improvement of documentation such as referencing relevant guidelines and ensuring procedures are adequately documented.

### **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 and an Erosion and Sediment Control Plan. These plans were found to be recently reviewed and well implemented. Further to this, a Construction Environmental Management Plan was well implemented during the Stage 1 construction phase of the capacity expansion project.

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.

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.

### **3.8 Consultation Outcomes**

As required by section 3.2 of the *Independent Audit Post Approval Requirements (May 2020)*, the Department was consulted via telephone (Ann Hagerthy, Senior Compliance Officer on 21/7/20) and she advised that there were no further focus areas to be considered in the audit scope. She also advised that no technical specialist input was required and there was no requirement to make contact with other parties.

### **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, including the existing process plant and the newly constructed

plant. Stacks were sighted. The kiln was observed, explosion vents were sighted and the SCADA panel inspected, showing the temperature control system.

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 (sighted) 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. 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*.

Gas cylinders were chained and stored appropriately. 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. Photographic evidence taken earlier in the day showed that trucks are covered.

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

### 3.13 Site Interviews

Site interviews were conducted, including the NSW Regional Manager and the 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.

### 3.16 Key Strengths

Regain operates under a management system compliant with ISO14001:2015, ISO45001:2018 and ISO9001:2015, which has been recently certified. 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.

## 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. No non-compliances were identified.

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 15 September 2020.

# Appendix 1 Audit Checklist

Approval ID	Requirement	Evidence Collected	Independent Audit Findings and Recommendations	Compliance Status
<b>Project Approval MP 06_0050, as modified</b>				
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 recently certified (16 March 2020). 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 key documents are the Construction Environmental Management Plan and the Operations Environmental Management Plan.	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.	Listed 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"> <li>Any reports, plans, strategies, programs or correspondence that are submitted in accordance with this approval; and</li> <li>The implementation of any actions or measures contained in these reports, plans, strategies, programs or correspondence.</li> </ul>	Interview response (from Regional 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 2017 (116C023 v1 – 4 July 2017)  Annual Report – July 2018 (116G045 v1 – 16 August 2018)  Annual Report – July 2019 (116G051 v1.0 – 5 September 2019)	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 20,000 tonnes of SPL per year (MP06_0050 limit) for each of the annual reporting years in the current audit period.	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 2017 (116C023 v1 – 4 July 2017)  Annual Report – July 2018	SPL has been processed into HiCAI – 30; a carbon material rich in alumina, silica, sodium and fluorine that is used in the cement industry.  Aluminium metal and steel is	Compliant

Approval ID	Requirement	Evidence Collected	Independent Audit Findings and Recommendations	Compliance Status
		(116G045 v1 – 16 August 2018)  Annual Report – July 2019 (116G051 v1.0 – 5 September 2019)	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"> <li>Under part 4A of the EP&amp;A Act, the Proponent is required to obtain construction and occupation certificates for the proposed building works</li> <li>Part 8 of the EP&amp;A Regulation sets out the requirements for the certification of the project.</li> </ul>	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.  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> .	Thermal Treatment Plant 2 and associated structures on the site have been certified as constructed in accordance with the relevant requirements of the BCA.  At the time of audit, an Occupation Certificate had not yet been completed, as the plant is still in the process of finalising installation and being commissioned.	Compliant
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.	Letter dated 11 December 2018 confirms that the issues relevant to Hunter Water have been sufficiently addressed in the Environmental	Hunter Water was consulted as part of the Environmental Assessment process for MOD 2. No approvals from Hunter Water were required.	Not Triggered

Approval ID	Requirement	Evidence Collected	Independent Audit Findings and Recommendations	Compliance Status
		<p>Assessment.</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.</p>		
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"> <li>• Maintained in a proper and efficient condition; and</li> <li>• Operated in a proper and efficient manner.</li> </ul>	<p>Interview Operations Manager</p> <p>Examples of work orders were sighted e.g. 1500 hour inspection and maintenance of dust collector</p>	<p>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.</p> <p>Procedures are in place in the 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.</p>	Compliant
MP06_0050 Schedule 3 Condition 11	<p>The Proponent shall comply with Section 120 of the <i>Protection of the Environment Operations Act 1997</i>.</p>	<p><a href="https://apps.epa.nsw.gov.au/pr/poeoapp/">https://apps.epa.nsw.gov.au/pr/poeoapp/</a></p> <p>Annual Report – July 2017 (116C023 v1 – 4 July 2017)</p> <p>Annual Report – July 2018 (116G045 v1 – 16 August</p>	<p>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.</p>	Compliant

Approval ID	Requirement	Evidence Collected	Independent Audit Findings and Recommendations	Compliance Status
		2018)  Annual Report – July 2019 (116G051 v1.0 – 5 September 2019)	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> .	
MP06_0050 Schedule 3 Condition 12	All SPL waste must be stored and processed under cover or within the thermal treatment plant	Site inspection (photo 1, photo 2)  Operational Environmental Management Plan (OEMP) (116C004 v8.1 dated 12 June 2020) 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.	Compliant
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 3)  Operational Environmental Management Plan (OEMP) (116C004 v8.1 dated 12 June 2020) 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.	Compliant

Approval ID	Requirement	Evidence Collected	Independent Audit Findings and Recommendations	Compliance Status
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) Managing Urban Stormwater: Soils and Construction manual.	<p>Erosion and Sediment Control Plan (246C004 v2.2) dated 1 November 2019.</p> <p>Audit Report – Project HSE Construction Environmental Management Plan Tomago Aluminium SPL Processing Facility 24/6/20.</p>	<p>The Erosion and Sediment Control Plan (ESC Plan) is included as Appendix C in the CEMP. It is noted that the ESC Plan covers the requirements of the Landcom (2004) Managing Urban Stormwater: Soils and Construction manual.</p> <p>Construction occurred during the April – July 2020 period. Concrete was poured in May 2020 and since that time the site is now 100% hardstand. During the time prior to concreting there was little rain.</p> <p>The audit conducted during the construction period noted that the stormwater management plan and erosion and sediment control measures were implemented.</p>	Compliant
MP06_0050 Schedule 3 Condition 15	<p><b>Stormwater Management Plan</b></p> <p>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"> <li>• Include details of erosion and sediment control during construction;</li> <li>• Include detailed plans of the stormwater management system for the project;</li> </ul>	<p>Letter dated 17/10/18 from NSW Planning &amp; Environment Reference MP 06_0050, #11637.</p> <p>Independent Environmental Audit Report Regain Services Pty Ltd (Ardent Group, REG-001 dated 20 September 2017).</p> <p>Audit Report – Project HSE Construction Environmental Management Plan Tomago</p>	<p>Letter dated 17/10/18 from NSW Planning &amp; 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>	Compliant

Approval ID	Requirement	Evidence Collected	Independent Audit Findings and Recommendations	Compliance Status
	<ul style="list-style-type: none"> <li>• Ensure the SPL facility is constructed so that the truck loading areas are bunded to prevent contamination of nearby stormwater drains;</li> <li>• Describe the storage areas for SPL including details of how SPL will be kept dry and secure (to ensure protection of the groundwater); and</li> <li>• Describe the procedures for the installation, inspection and maintenance of the stormwater system;</li> <li>• Describe the monitoring that occurs at the site which would detect any discharges that may affect water quality.</li> </ul>	Aluminium SPL Processing Facility 24/6/20.	<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>	
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> <ol style="list-style-type: none"> <li>a) be designed by a suitably qualified and experienced person(s) whose appointment has been endorsed by the Planning Secretary;</li> <li>b) be in accordance with the Project as modified by MOD 2 and the plans at Appendix A of this approval;</li> <li>c) be in accordance with applicable Australian Standards; and</li> <li>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.</li> </ol>	<p>Tomago Aluminium SPL Processing Facility Stormwater Management Plan (116C011 v2.2 – 20 October 2019).</p> <p>Letter dated 7/11/19 from Department of Planning, Industry &amp; Environment confirming approval of engineers to design the Stormwater Management System to address Condition 15A.</p>	<p>Stage 1 operations have not yet commenced.</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</p>	Compliant

Approval ID	Requirement	Evidence Collected	Independent Audit Findings and Recommendations	Compliance Status
			<p>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> <p>At the time of audit sump 2 was not yet in operation.</p>	
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 &amp; Associates (certifying authority) attaching a copy of the executed works drawing, signed by the registered surveyor.</p> <p>Robert Ball &amp; Associates are Accredited Building Certifiers and are a Principal Certifying Authority.</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).</p>	<p>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

Approval ID	Requirement	Evidence Collected	Independent Audit Findings and Recommendations	Compliance Status
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 (photo 4, photo 5 and photo 6, photo 7, photo 8).</p> <p>Audit Report – Project HSE Construction Environmental Management Plan Tomago Aluminium SPL Processing Facility 24/6/20.</p> <p>Regain Tomago Site Audit Inspection 24/6/20 (quarterly inspection) report.</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>The surface water management system has been operating in accordance with the CEMP.</p> <p>Audit conducted during the construction period noted that the stormwater management measures were implemented.</p> <p>Quarterly site inspection report dated 24/6/20 noted recycling stormwater from the site was working well and all drains were clean.</p> <p>Site audit inspection noted that the hardstand was free from material, drains were clear and the bunding was intact.</p>	Compliant
MOD 2 Schedule 3 Condition 16	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	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).	<p>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</p>	Compliant

Approval ID	Requirement	Evidence Collected	Independent Audit Findings and Recommendations	Compliance Status
	<p>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>Capacity Increase of SPL Processing Facility at Tomago Construction Safety Study (dated 24 January 2020, 246R007 v1.2)</p> <p>Letter dated 27/2/20 from Department of Planning, Industry &amp; Environment noted completion of the submitted HAZOP and Construction Safety Study and approved these in accordance with Condition 16.</p>	<p>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>	

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>Emergency Plan (116C031 v2.3 dated 7 April 2020).</p> <p>Safety Management System (246R009 v1.1 dated 7 April 2020).</p> <p>Letter dated 26/5/2020 from the Department of Planning, Industry &amp; 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.</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"> <li>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.</li> <li>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.</li> <li>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.</li> </ul>	<p>Stage 1 operations have not commenced.</p> <p>Verified via site inspection.</p>	<p>Condition 16B is not yet applicable as stage 1 operations have not yet commenced.</p>	<p>Not Triggered</p>
MOD 2 Schedule 3 Condition 16C	<p>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.</p>	<p>Letter dated 27/2/20 from Department of Planning, Industry &amp; Environment re HAZOP and Construction Safety Study.</p> <p>Letter dated 26/5/20 from Department of Planning, Industry &amp; Environment re Emergency Response Plan and Safety Management System.</p>	<p>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. .</p>	<p>Not Triggered</p>
MP06_0050 Schedule 3 Condition 17	<p>The Proponent must carry out all reasonable and feasible measures to minimise dust generated by the project.</p>	<p>Site Inspection (photo 1, photo 2, photo 9, photo 10, photo 11).</p>	<p>Table 7 OEMP lists risk controls to minimise dust. These include handling SPL material under cover; ensure SPL Building 5 is</p>	<p>Compliant</p>

Approval ID	Requirement	Evidence Collected	Independent Audit Findings and Recommendations	Compliance Status
		<p>Operational Environmental Management Plan (OEMP) (116C004 v8.1 dated 12 June 2020) Table 7.</p> <p>Complaints Register shows no dust complaints.</p> <p>Safe Work Check sheet (116F032 Rev 6 dated 19/6/17) Loading Trucks for Shed 6.</p>	<p>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> <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>	

Approval ID	Requirement	Evidence Collected	Independent Audit Findings and Recommendations	Compliance Status
MOD 2 Schedule 3 Condition 18	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>Site Inspection (photo 11).</p> <p>Operational Environmental Management Plan (OEMP) (116C004 v8.1 dated 12 June 2020) Table 7.</p> <p>Annual Report – July 2017 (116C023 v1 – 4 July 2017).</p> <p>Annual Report – July 2018 (116G045 v1 – 16 August 2018).</p> <p>Annual Report – July 2019 (116G051 v1.0 – 5 September 2019).</p> <p>Regain Tomago Air Emission Testing Biannual Round 1 – 2020 report 60625160_1.1 AECOM NATA No. 2778 (14391) dated 20 April 2020.</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.	Compliant
MOD 2 Schedule 3 Condition 18A	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: 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;	<p>Air Quality Management Plan Capacity Increase at the Regain Spent Potlining Facility, Tomago. AECOM Report (60512726) dated 10 June 2020.</p> <p>Operational Environmental Management Plan (OEMP) (116C004 v8.1 dated 12 June 2020).</p> <p>Letter dated 14/5/2020 from</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
	identify the control measures that that will be implemented for each emission source; and nominate the following for each of the proposed controls: <ol style="list-style-type: none"> <li>i.) key performance indicator;</li> <li>ii.) monitoring method;</li> <li>iii.) location, frequency and duration of monitoring;</li> <li>iv.) record keeping;</li> <li>v.) complaints register;</li> <li>vi.) response procedures; and</li> <li>vii.) compliance monitoring</li> </ol>	the Department of Planning, Industry & Environment 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: <ol style="list-style-type: none"> <li>a) not commence operations until the AQMP required by Condition 18A is approved by the Planning Secretary; and</li> <li>b) implement the most recent version of the AQMP approved by the Planning Secretary for the duration of the Project.</li> </ol>	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: <ol style="list-style-type: none"> <li>a) must be prepared by a suitably qualified and experienced person(s);</li> <li>b) include all emission test and analytical results from post commissioning emission monitoring required to be undertaken by the EPL;</li> </ol>	Site Inspection Interview Regional Manager	Commissioning is currently underway. Stage 2 operations have not commenced.  A Post commissioning air emission verification report is not yet required.	Not Triggered.

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	c) compare the results of the post commissioning monitoring against emission limits contained in the EPL 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"> <li>• Construction               <ul style="list-style-type: none"> <li>○ Mon-Fri 7:00am - 6:00pm</li> <li>○ Sat 6:00am - 1:00pm</li> <li>○ Sun and Public Holidays Nil</li> </ul> </li> <li>• Operation               <ul style="list-style-type: none"> <li>○ All days Any time</li> </ul> </li> </ul>	SPL Processing Facility Capacity Increase Construction Environmental Management Plan (CEMP) (246C003 v1.3 dated 10 December 2019).  Operational Environmental Management Plan (OEMP) (116C004 v8.1 dated 12 June 2020) Table 7.	The CEMP specifies work hours in Table 6 of CEMP.  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="421 1018 1115 1209"> <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<sub>Aeq</sub> (15 minutes)</td> <td>45 dBAL<sub>Aeq</sub> (1 minute)</td> </tr> <tr> <td>Industrial Receivers</td> <td>70 dBAL<sub>Aeq</sub></td> <td>70 dBAL<sub>Aeq</sub> (1 minute)</td> </tr> </tbody> </table>	Location	Day/ Evening/ Night	Night	Residences on Tomago Road	35 dBAL <sub>Aeq</sub> (15 minutes)	45 dBAL <sub>Aeq</sub> (1 minute)	Industrial Receivers	70 dBAL <sub>Aeq</sub>	70 dBAL <sub>Aeq</sub> (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 <sub>Aeq</sub> (15 minutes)	45 dBAL <sub>Aeq</sub> (1 minute)											
Industrial Receivers	70 dBAL <sub>Aeq</sub>	70 dBAL <sub>Aeq</sub> (1 minute)											

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MP06_0050 Schedule 3 Condition 22	At all times the Proponent shall ensure that: <ul style="list-style-type: none"> <li>all trucks entering or leaving the site with loads have their loads covered;</li> <li>trucks associated with the project do not track dirt onto the public road network; and</li> <li>the public roads used by these trucks are kept clean of any Regain products or materials.</li> </ul>	Safe Work Check sheet (116F032 Rev 6 dated 19/6/17) Loading Trucks for Shed 6.  Site inspection (photo 10).	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"> <li>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;</li> <li>that the project does not result in any vehicles queuing on the public road network;</li> <li>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</li> <li>vehicles are not to be left idling for prolonged periods.</li> </ul>	Site inspection.	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 v8.1 dated 12 June 2020).	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"> <li>complies with the latest version of Australian Standard AS 4282(INT)- Control of Obtrusive Effects of Outdoor Lighting; and</li> <li>is mounted, screened and directed in such a manner that it does not create a nuisance to surrounding properties or the public road network.</li> </ul>	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"> <li>i.) the relevant statutory requirements (including any relevant approval, licence or lease conditions);</li> <li>ii.) any relevant limits or performance measures and criteria; and</li> <li>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;</li> </ul> <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"> <li>i.) impacts and environmental performance of the development; and</li> <li>ii.) effectiveness of the management measures set out pursuant to paragraph (b) above;</li> </ul> <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"> <li>i.) incident and any non-compliance (specifically including any exceedance of the impact assessment criteria and performance criteria);</li> <li>ii.) complaint;</li> <li>iii.) failure to comply with statutory requirements; and</li> </ul> <p>g) a protocol for periodic review of the plan.</p>	<p>Operational Environmental Management Plan (OEMP) (116C004 v8.1 dated 12 June 2020).</p> <p>SPL Processing Facility Capacity Increase Construction Environmental Management Plan (CEMP) (246C003 v1.3 dated 10 December 2019).</p> <p>Tomago Aluminium SPL Processing Facility Stormwater Management Plan (116C011 v2.2 – 20 October 2019).</p>	<p>Management plans address all items listed a) to g).</p> <p>All management plans have been approved by the Department Planning, Industry &amp; Environment.</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).</p> <p>Letter dated 19/12/2019 from the Department of Planning, Industry &amp; Environment confirming that the Construction Environmental Management Plan is approved.</p>	The Construction Environmental Management Plan was approved 19/12/19.	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).</p> <p>Letter dated 19/12/2019 from the Department of Planning, Industry &amp; Environment confirming that the Construction Environmental Management Plan is approved.</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.</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.	<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 &amp; Environment confirming that the Operational Environmental Management Plan is approved.</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.	Compliant

Approval ID	Requirement	Evidence Collected	Independent Audit Findings and Recommendations	Compliance Status
MOD 2 Schedule 4 Condition 26D	As part of the OEMP required under Condition 26C. of this approval, the Proponent must include the following: <ol style="list-style-type: none"> <li>a) describe the role, responsibility, authority and accountability of all key personnel involved in the environmental management of the Project;</li> <li>b) describe the procedures that would be implemented to:               <ol style="list-style-type: none"> <li>i.) keep the local community and relevant agencies informed about the operation and environmental performance of the Project;</li> <li>ii.) receive, handle, respond to, and record complaints;</li> <li>iii.) resolve any disputes that may arise;</li> <li>iv.) respond to any non-compliance;</li> <li>v.) respond to emergencies; and</li> </ol> </li> <li>c) include the following environmental management plans:               <ol style="list-style-type: none"> <li>(i) Air Quality Management Plan (see Condition 18A).</li> </ol> </li> </ol>	Operational Environmental Management Plan (OEMP) (116C004 v8.1 dated 12 June 2020).  Letter dated 14/7/2020 from the Department of Planning, Industry & Environment confirming that the Operational Environmental Management Plan is approved.	The Operational Environmental Management Plan has been approved by the Department of Planning, Industry & Environment confirming compliance with Condition 26C on 14/7/20.  The Air Quality Management Plan s included as Attachment 4 to the OEMP.	Compliant
MOD 2 Schedule 4 Condition 26E	The Proponent must: <ol style="list-style-type: none"> <li>a) not commence operation until the OEMP is approved by the Planning Secretary;</li> <li>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).</li> </ol>	Operational Environmental Management Plan (OEMP) (116C004 v8.1 dated 12 June 2020).  Letter dated 14/7/2020 from the Department of Planning, Industry & Environment confirming that the Operational Environmental Management Plan is approved.	Operations have not commenced.  The OEMP was approved by the Department of Planning, Industry & Environment on 14/7/20.	Compliant
MOD 2 Schedule 4 Condition 26F	Within three months of: <ol style="list-style-type: none"> <li>a) the submission of a Compliance Report under Condition 28C;</li> <li>b) the submission of an incident report under Condition 27;</li> <li>c) the submission of an Independent Audit under Condition 29;</li> <li>d) the approval of any modification of the conditions of this approval, or</li> <li>e) the issue of a direction of the Planning Secretary under Condition 26 which requires a review.</li> </ol>	Letter dated 11/1/2018 from the Department of Planning, Industry & Environment.	A Compliance Report under Condition 28C has not yet been required.  An incident report under Condition 27 has not yet been required.  An Independent Audit under Condition 29 was conducted 31	Compliant

Approval ID	Requirement	Evidence Collected	Independent Audit Findings and Recommendations	Compliance Status
			<p>July and the audit report was issued 20/9/17. This audit report was submitted to the Department of Planning and Environment on 28 September 2017.</p> <p>No modification of the conditions of this approval have occurred. There has been no direction issued from the Planning Secretary under Condition 26 which requires a review.</p>	
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.	Letter dated 11/1/2018 from the Department of Planning, Industry & Environment confirming the Independent Environmental Audit met the requirements and noted the status of the non-compliance raised.	<p>The items listed from a), b), d) and e) Condition 26F have not yet been triggered therefore no reviews have been required to address these items. In response to the findings of the Independent Audit, a variation to EPL 13269 was sought and subsequently approved and the Regain Website was updated to include a complaints line number.</p> <p>The Department was notified on 28/9/17 and responded on 11/1/18.</p>	Compliant
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.	<p>Interview with Regional Manager.</p> <p>Annual reports 2017-2019.</p>	No revisions of the strategies, plans and program required under this approval have been required.	Not Triggered

Approval ID	Requirement	Evidence Collected	Independent Audit Findings and Recommendations	Compliance Status
MOD 2 Schedule 4 Condition 27	The Department must be notified in writing to <a href="mailto:compliance@planning.nsw.gov.au">compliance@planning.nsw.gov.au</a> 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 Regional Manager.  Annual reports 2017-2019.	No incidents have occurred.	Not Triggered
MOD 2 Schedule 4 Condition 28	The Department must be notified in writing to <a href="mailto:compliance@planning.nsw.gov.au">compliance@planning.nsw.gov.au</a> within seven days after the Proponent becomes aware of any non-compliance.	Interview with Regional Manager.  Annual reports 2017-2019.	No non-compliances have been identified.	Not Triggered
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 Regional Manager.  Annual reports 2017-2019.	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 non-compliance.	Interview with Regional Manager.  Annual reports 2017-2019.	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.	Operations have not yet commenced.  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	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	Not Triggered

Approval ID	Requirement	Evidence Collected	Independent Audit Findings and Recommendations	Compliance Status
28D			commenced. It is noted that the current version of the Department document is 2020.	
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
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.	Email to Department on 12/6/20 attaching the Independent Audit Program in accordance with Condition 29.	Commencement of operations has not started.  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.	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)."	Email to Department on 12/6/20 attaching the Independent Audit Program in accordance with Condition 29.  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).  Current Audit Report.	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 auditors and confirms that the audits shall be conducted in accordance with the 2020 version of the Department's Independent Audit Post Approval Requirements (and not the 2018 version of the Requirements).	Compliant

Approval ID	Requirement	Evidence Collected	Independent Audit Findings and Recommendations	Compliance Status
		Independent Audit Post Approval Requirements (Department 2020).		
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"> <li>a) review and respond to each Independent Audit Report prepared under Condition 30 of this approval;</li> <li>b) submit the response to the Department; and</li> <li>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.</li> </ul>	Letter dated 11/1/2018 from the Department of Planning, Industry & Environment confirming the Independent Environmental Audit met the requirements and noted the status of the non-compliance raised.	<p>The items listed from a), b), d) and e) Condition 26F have not yet been triggered therefore no reviews have been required to address these items.</p> <p>In response to the findings of the Independent Audit, a variation to EPL #13269 was sought and subsequently approved and the Regain Website was updated to include a complaints line number.</p> <p>The Department was notified on 28/9/17 and responded on 11/1/18.</p> <p>In the Approval 06_0050 dated 7/8/2009 there was no requirement to make each Independent Audit Report publicly available.</p>	Compliant
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> <ul style="list-style-type: none"> <li>i.) the documents referred to in Schedule 2 Condition 2 of this approval;</li> <li>ii.) all current statutory approvals for the Project;</li> <li>iii.) (all approved strategies, plans and programs required under the conditions of this approval;</li> <li>iv.) the proposed staging plans for the Project if the construction, operation or decommissioning of the Project is to be staged;</li> <li>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;</li> <li>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;</li> <li>vii.) a summary of the current stage and progress of the Project;</li> <li>viii.) contact details to enquire about the Project or to make a complaint;</li> <li>ix.) a complaints register, updated monthly;</li> <li>x.) the Compliance Report of the Project;</li> <li>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;</li> <li>xii.) any other matter required by the Planning Secretary; and</li> </ul> <p>b) keep such information up to date, to the satisfaction of the Planning Secretary.</p>	<p>Regain website viewed 30/7/20  <a href="http://www.regainmaterials.com/about/regain-operations/tomago/tomago-capacity-increase-project">http://www.regainmaterials.com/about/regain-operations/tomago/tomago-capacity-increase-project</a></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"> <li>• Project Application 06_0050</li> <li>• Environmental Assessment</li> <li>• MOD 1</li> <li>• MOD 2</li> <li>• Project layout plans</li> <li>• Statement of commitments in MOD 2</li> </ul> <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 address 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 – February 2020 (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 – June 2020, 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>This current audit report is the first under MOD 2 and therefore part xi) is not yet required.</p> <p>No other matter has been communicated by the Planning Secretary therefore part xii) is not currently applicable.</p>	

Approval ID	Requirement	Evidence Collected	Independent Audit Findings and Recommendations	Compliance Status
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: <a href="mailto:compliance@planning.nsw.gov.au">compliance@planning.nsw.gov.au</a> 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 Regional Manager.  Annual reports 2017-2019.	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 Regional Manager.  Annual reports 2017-2019.	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 Regional Manager.  Annual reports 2017-2019.	No incidents have occurred.	Not Triggered

Approval ID	Requirement	Evidence Collected	Independent Audit Findings and Recommendations	Compliance Status
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 Regional Manager.  Annual reports 2017-2019.	No incidents have occurred.	Not Triggered
<b>Environmentally Hazardous Chemicals Act 1985 Licence #88 dated 11 July 2020</b>				
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 (photo 1, photo 2)	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 (photo 1, photo 2)  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 (photo 1, photo 2)	Storage sheds in proper and efficient condition, as described above.	Compliant

Approval ID	Requirement	Evidence Collected	Independent Audit Findings and Recommendations	Compliance Status
		OEMP Table 7		
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 fully fenced and 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 Regional Manager	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 (photo 1, photo 2) 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 Regional Manager	No aluminium smelter waste 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 2017 (116C023 v1 – 4 July 2017)  Annual Report – July 2018 (116G045 v1 – 16 August 2018)	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

Approval ID	Requirement	Evidence Collected	Independent Audit Findings and Recommendations	Compliance Status
		Annual Report – July 2019 (116G051 v1.0 – 5 September 2019)		
EHCL 88 Item 4.3	Products manufactured from aluminium smelter wastes must not be conveyed from the Premises for the purpose of disposal.	Interview Regional Manager	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 Regional Manager  Site Inspection  Annual Report – July 2017 (116C023 v1 – 4 July 2017)  Annual Report – July 2018 (116G045 v1 – 16 August 2018)  Annual Report – July 2019 (116G051 v1.0 – 5 September 2019)	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 Regional Manager	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 v8.1 dated 12 June 2020).  SPL Processing Facility Capacity Increase Construction Environmental Management Plan (CEMP) (246C003 v1.3 dated 10 December 2019).	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	Interview Regional Manager	No spills or incidents have occurred.	Not Triggered

Approval ID	Requirement	Evidence Collected	Independent Audit Findings and Recommendations	Compliance Status
	incident is contained and managed in an appropriate manner that minimises harm or potential harm to the environment or persons.	Annual Reports, previously detailed		
EHCL 88 Item 6.1	The Licensee must advise or notify the EPA immediately of becoming aware of: (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. (b) Any spill or incident, involving aluminium smelter wastes or products manufactured from aluminium smelter wastes causing or being likely to cause environmental harm.	Interview Regional Manager  Annual Reports, previously detailed	No contamination or pollution or Premises or adjacent premises or waters has occurred. No spill or incidents have occurred.	Not Triggered
EHCL 88 Item 6.2	All incidents, described in condition 6.1 above, must be reported to the EPA by telephoning the EPA's Environment Line on 131 555.	Interview Regional Manager  Annual Reports, previously detailed	No incidents have occurred.	Not Triggered
EHCL 88 Item 7.1	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: a. The quantity of aluminium smelter wastes processed during the year. b. The type of aluminium smelter wastes processed during the year. c. The name of the product(s) produced from those wastes during the year. d. A Safety Data Sheet for each product produced during the year. e. The chemical composition of the product/s. f. The quantity of product/s produced. g. A description of the treatment process. h. The date of dispatch of each product load from the Premises. i. The name and contact details of the transporters of the product. j. The name and contact details of the recipient of the product.	Environmentally Hazardous Chemicals Licence 88 dated 11 July 2020.  Environmentally Hazardous Chemicals Licence 88 Annual Report – July 2017 submitted 4 July 2017  Environmentally Hazardous Chemicals Licence 88 Annual Report – July 2018 submitted 16 August 2018  Environmentally Hazardous Chemicals Licence 88 Annual Report – July 2019 submitted 5 September 2019	Environmentally Hazardous Chemicals Licence #88 has the anniversary date 10 July. Annual reports containing required details listed in Item 7.1 a. – I. have been submitted to the EPA within 60 days of the anniversary date.	Compliant

Approval ID	Requirement	Evidence Collected	Independent Audit Findings and Recommendations	Compliance Status
	k. The intended end use of the product. l. The results of an annual stack emission test to determine the emission of total solid particles, total fluoride, total 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 sent to: Director – Regulatory Operations NSW Environment Protection Authority PO Box 488G Newcastle NSW 2300 Or emailed to hunter.region@epa.nsw.gov.au	Annual Report to Hunter Region EPA sent via email 10/9/19.	Annual reports are sent as required by Item 7.2.	Compliant
<b>Statement of Commitments</b>				
General	<ol style="list-style-type: none"> <li>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.</li> <li>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.</li> <li>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.</li> <li>4. The Proponent would update a current EMP prepared for the existing site activities.</li> </ol>	CEMP OEMP Site Inspection (photos 1-15) Interviews Monitoring records Monitoring reports Annual reports Inspection reports Audit reports	CEMP and OEMP address items specified.  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	Compliant

Approval ID	Requirement	Evidence Collected	Independent Audit Findings and Recommendations	Compliance Status
	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. 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. 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.		previously detailed in this audit checklist.  Inspections and audits are routinely conducted (at least quarterly). Reports reviewed as part of this current audit.	
Air Quality	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. 2. The Proponent would ensure residual emissions would be directed to the atmosphere via stacks, as indicated by the proposal. 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. 4. The Proponent would maintain processing plant and Shed 5 under negative pressure, treated products would	CEMP OEMP Site Inspection (photos 10, 11, 12, 14, 15) Interviews Monitoring records Monitoring reports Annual reports Batch sample report NATA certificates	Dust mitigation strategies and emission controls were observed during the site inspection. No evidence of excessive dust.  SCADA temperature screen observed during site inspection showing less than 850°C. Kiln temperature controls were described and sighted.  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	Compliant

Approval ID	Requirement	Evidence Collected	Independent Audit Findings and Recommendations	Compliance Status
	<p>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>6. The Proponent would control the thermal treatment process (i.e. maintain the temperature below 850oC) to minimise liberation of gaseous fluoride.</p> <p>7. The Proponent would operate baghouse dust collectors to minimise emissions of particulate matter and particulate-bound contaminants.</p> <p>8. The Proponent would apply appropriate housekeeping practices to minimise dust generation from concrete apron areas.</p>		<p>product. Product batch control sheets were reviewed e.g.#2734 27/7/20. These demonstrate that the material meets the final product specification. Analysis conducted in NATA certified laboratory #626. Certificates of analysis sighted.</p>	
Hazard and Risk	<p>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".</p> <p>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.</p> <p>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</p>	<p>SMS OEMP Site inspection (photo 14, photo 15)</p>	<p>SMS approved by Department, as described previously in this audit checklist. Kiln temperature monitoring observed. Maintenance Work order showing calibration e.g. (4/2/20). Blast panels observed. Bunded site.</p>	Compliant

Approval ID	Requirement	Evidence Collected	Independent Audit Findings and Recommendations	Compliance Status
	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.			
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"> <li>1. Operate in accordance with the Road Transport Act 2013.</li> <li>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.</li> <li>3. In the event of a spillage of materials from construction vehicles onto a public road, the RMS &amp; EPA would be notified and the spilled material would be removed.</li> <li>4. Construction traffic would only traverse those public roads as outlined in the EA, which are public roads that are suitable for heavy vehicles.</li> <li>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"> <li>· Site access procedures including the proposed haulage route would</li> </ul> </li> </ol>	Interviews Site audits	Review of internal audit reports and site inspections during construction confirm compliance with traffic and transport requirements.	Compliant

Approval ID	Requirement	Evidence Collected	Independent Audit Findings and Recommendations	Compliance Status
	<p>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.</p>			
Noise and Vibration	<ol style="list-style-type: none"> <li>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).</li> <li>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).</li> </ol>	<p>Interviews CEMP OEMP Complaints Register</p>	<p>No noise complaints have been received. Construction timings were restricted to those specified in this commitment.</p>	Compliant
Waste	<ol style="list-style-type: none"> <li>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.</li> <li>The site EMP would be reviewed and updated following approval of the Project as modified, if necessary.</li> <li>A variation to EPL 13269 would be sought to provide for the revised site layout and emission points following approval of the Project.</li> <li>The EHC Licence (#88) would be reviewed following approval of the Project and if required a variation sought to maintain consistency.</li> </ol>	<p>CEMP OEMP Site inspection Annual reports</p>	<p>Minimal construction waste generated. Waste disposed of in accordance with Waste Classification Guidelines by utilising TAC waste management system.</p> <p>EPL is currently under review.</p> <p>Environmental Hazardous Chemicals Act Licence #88 recently renewed (11 July 2020).</p>	Compliant

Approval ID	Requirement	Evidence Collected	Independent Audit Findings and Recommendations	Compliance Status
	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.		SPL material is covered in Shed 5 waiting for processing.  Shed 6 stores treated product, which is maintained in a moist condition.	
Water and Soil	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.	Stormwater Management Plan  Project HSE CEMP audit report 24/6/20  Site inspection OEMP	Stormwater management plan was updated and approved by the Department, as previously detailed. Stormwater management is in accordance with the plan and was routinely audited during construction.	Compliant
<b>Environmental Protection Licence #13269 dated 16 March 2018</b>				
1 A1 A1.1	<b>ADMINISTRATIVE CONDITIONS</b> <b>What the licence authorises and regulates</b> 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 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 - > 0 T recovered	Site Inspection	Regain Services conducts scheduled activities of resource recovery and waste storage at the premises specified in Condition A2.1.  Transport of trackable waste is managed via EPL #20976.  Site inspection and review of documentation confirmed no other scheduled activities are undertaken.	Compliant

Approval ID	Requirement	Evidence Collected	Independent Audit Findings and Recommendations	Compliance Status
	Waste Storage - Waste storage - hazardous, restricted solid, liquid, clinical and related waste and asbestos waste - > 0 T stored			
A2 A2.1	<b>Premises or plant to which this licence applies</b> 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 fenced area.	Compliant
A3 A3.1	<b>Information supplied to the EPA</b> 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	<b>DISCHARGES TO AIR AND WATER AND APPLICATIONS TO LAND</b> <b>Location of monitoring/discharge points and areas</b> 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 Regional Manager Site Inspection Monitoring reports – see below.	Monitoring points 2 and 3 have not yet been installed. Point 2 to be installed post current project. Point 3 has no planned date at this time.	Compliant
	<b>EPA identification no.</b>	<b>Type of Monitoring Point</b>	<b>Type of Discharge Point</b>	<b>Location Description</b>
	1	Discharge to air and monitoring	Discharge to air and monitoring	“Rotary Kiln Discharge Stack” marked and shown on the plan titled "Tomago Aluminium - SPL Reprocessing Facility G.A. - EPL Monitoring Points Identification" which has been filed as DOC14/66314 dated 30/4/14.
	2	Discharge to air and monitoring	Discharge to air and 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.

Approval ID	Requirement	Evidence Collected	Independent Audit Findings and Recommendations	Compliance Status
3	Discharge to air and monitoring	Discharge to air and monitoring	Spent Pot Lining (SPL) Preparation Facilities Stack - location to be advised and an updated premises plan provided to the EPA when commissioned.	
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.	
L1 L1.1	<b>LIMIT CONDITIONS</b> <b>Pollution of waters</b> 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> .	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	<b>Concentration limits</b> For each monitoring/discharge point or utilisation area specified in the tables 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.	Regain Environmental Pollution Monitoring Data – biannual data from rotary kiln stack monitoring point 1. Regain Tomago Air Emission Testing Biannual Round 1 – 2020 report 60625160_1.1 AECOM NATA No. 2778 (14391) dated 20 April 2020.  Annual Report – July 2017 (116C023 v1 – 4 July 2017).	Results were reviewed from Regain Environmental Pollution Monitoring Data – biannual data from rotary kiln stack monitoring point 1. These are collated from the AECOM biannual reports (e.g. reviewed report for April 2020). Tomago Air Emissions Testing reports Biannual Rounds 1 and 2 for 2015, Biannual Rounds 1 and 2 for 2016 and Biannual	Compliant

Approval ID	Requirement	Evidence Collected	Independent Audit Findings and Recommendations	Compliance Status
		<p>Annual Report – July 2018 (116G045 v1 – 16 August 2018).</p> <p>Annual Report – July 2019 (116G051 v1.0 – 5 September 2019).</p>	<p>Round 1 for 2017. In all cases the measured emission concentrations reported for all parameters listed for Point 1 were within the concentration limits specified.</p> <p>It is noted that all Environmental monitoring data is measured, as required by the EPL (noted from AECOM reports). This data is displayed on the Environmental Pollution Monitoring – Obtained Data document available on the Regain Tomago Expansion website.</p> <p>Temperature data is recorded and is well below the upper limit of 850°C.</p> <p>An <b>opportunity for improvement</b> is to ensure that all monitoring parameters are included in the annual return to the EPA. Cadmium is not currently included.</p>	OFI
L2.2	To avoid any doubt, this condition does not authorise the pollution of waters by any pollutant other than those specified in the table's.	Site inspection Annual reports	No water pollution has occurred.	Compliant
L2.3	Air Concentration Limits are specified in tables – refer to EPL document.	No action required – see L2.1	There is no action required by Regain Services. Condition specifies limits. Compliance with these limits is reported in L2.1.	Not Triggered

Approval ID	Requirement	Evidence Collected	Independent Audit Findings and Recommendations	Compliance Status
L3 L3.1	<b>Noise limits</b> Noise from the premises must not exceed the noise limits shown in the table – see EPL #13269.	Complaints Register CEMP OEMP Site inspection Independent Audit Report (Ardent Group, 2017).	The site is contained within the Tomago Aluminium Smelter site. As reported in the previous Independent Audit in 2017, a noise study was conducted in 2013. There has been no change in noise or sensitive receptors. No noise complaints have been made.	Compliant
L3.2	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
L3.3	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)	The 2017 Independent Audit Report notes that the noise compliance report demonstrated acceptable weather conditions during noise monitoring.	Compliant
L3.4 a)  i)  ii)	To determine compliance: 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	Independent Audit Report (Ardent Group, 2017)	The 2017 Independent Audit Report notes that the noise compliance report demonstrated acceptable location for noise monitoring.	Compliant

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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:			
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.			
L3.5	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	<b>OPERATING CONDITIONS</b> <b>Activities must be carried out in a competent manner</b> 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	<b>Maintenance of plant and equipment</b> 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	Interview Operations Manager  Examples of work orders were sighted e.g. 1500 hour dust collector	Regain manages maintenance scheduling via the Winchill Maintenance System – a lifecycle management system. Programmed maintenance is conducted. Work orders are	Compliant

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	b) must be operated in a proper and efficient manner.		<p>scheduled. Details of work to be performed, including checks are detailed.</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>	
O3 O3.1	<p><b>Dust</b> 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 v8.1 dated 12 June 2020) Table 7.</p> <p>Complaints Register shows no dust complaints.</p> <p>Safe Work Check sheet (116F032 Rev 6 dated 19/6/17) Loading Trucks for Shed 6.</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</p>	Compliant

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			<p>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>	
O3.2	No visible dust shall be emitted from the premises at any time.	Site inspection	No dust sighted.	Compliant
O4 O4.1	<p><b>Emergency response</b></p> <p>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.</p>	<p>Operational Environmental Management Plan (OEMP) (116C004 v8.1 dated 12 June 2020).</p> <p>ERP record 7/7/20.</p> <p>SPL Processing Facility Capacity Increase Construction Environmental Management Plan (CEMP) (246C003 v1.3 dated 10 December 2019).</p> <p>Pollution Incident Response Management Plan (116C012 v3.0 14 April 2020)</p>	<p>TAC Induction and Regain Induction.</p> <p>These inductions include spills and incident management.</p> <p>Emergency response drill conducted 7/7/20 at 1:50pm – gas line breach.</p>	Compliant

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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	<b>Waste management</b> 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.
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 v8.1 dated 12 June 2020) 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	Compliant

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			and handling requirements for SPL waste.	
5 M1 M1.1	<p><b>MONITORING AND RECORDING</b></p> <p><b>Monitoring records</b></p> <p>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.</p>	<p>Regain Environmental Pollution Monitoring Data – biannual data from rotary kiln stack monitoring point 1.</p> <p>Regain Tomago Air Emission Testing Biannual Round 1 – 2020 report 60625160_1.1 AECOM NATA No. 2778 (14391) dated 20 April 2020.</p> <p>Annual Report – July 2017 (116C023 v1 – 4 July 2017)</p> <p>Annual Report – July 2018 (116G045 v1 – 16 August 2018)</p> <p>Annual Report – July 2019 (116G051 v1.0 – 5 September 2019)</p>	All monitoring records required by the conditions of this licence are kept, as required.	Compliant
M1.2	<p>All records required to be kept by this licence must be:</p> <p>a) in a legible form, or in a form that can readily be reduced to a legible form;</p> <p>b) kept for at least 4 years after the monitoring or event to which they relate took place; and</p> <p>c ) produced in a legible form to any authorised officer of the EPA who asks to see them.</p>	<p>Regain Environmental Pollution Monitoring Data – biannual data from rotary kiln stack monitoring point 1.</p> <p>Annual Report – July 2017 (116C023 v1 – 4 July 2017)</p> <p>Annual Report – July 2018 (116G045 v1 – 16 August 2018)</p>	All monitoring records reviewed are legible. Records date back to 2012. Advised that the EPA has not asked for the records.	Compliant

Approval ID	Requirement	Evidence Collected	Independent Audit Findings and Recommendations	Compliance Status
		Annual Report – July 2019 (116G051 v1.0 – 5 September 2019)  Interview Regional Manager		
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.	Regain Tomago Air Emission Testing Biannual Round 1 – 2020 report 60625160_1.1 AECOM NATA No. 2778 (14391) dated 20 April 2020.	Records from air monitoring address the requirements specified in M1.3 a) to d).	Compliant
M2 M2.1	<b>Requirement to monitor concentration of pollutants discharged</b> 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:	Regain Tomago Air Emission Testing Biannual Round 1 – 2020 report 60625160_1.1 AECOM NATA No. 2778 (14391) dated 20 April 2020.	Records from air monitoring address the requirements specified in M2.1.	Compliant
M2.2	Air Monitoring Requirements are specified in the table for points 1-4. See EPL #13269.	Regain Tomago Air Emission Testing Biannual Round 1 – 2020 report 60625160_1.1 AECOM NATA No. 2778 (14391) dated 20 April 2020.	Biannual air emission monitoring occurs in line with the frequency and method detail in the EPL.  It is noted that Cadmium is not specified despite it being listed in the Air Concentration Limits table at Condition L2.2. <b>An opportunity for improvement</b> is during the current EPL review, update the EPL to establish	Compliant  OFI

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			consistency between the air concentration limits (L2.2), the air monitoring requirements (M2.2) and the annual report template.	
M3 M3.1	<p><b>Testing methods – concentration limits</b></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>	Regain Tomago Air Emission Testing Biannual Round 1 – 2020 report 60625160_1.1 AECOM NATA No. 2778 (14391) dated 20 April 2020.	Monitoring is conducted in accordance with the specified method.	Compliant
M4 M4.1	<p><b>Weather monitoring</b></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 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.</p>	Weather monitoring is conducted by TAC.	Weather monitoring data can be retrieved from the TAC weather monitoring program.	Compliant
M5 M5.1	<p><b>Recording of pollution complaints</b></p> <p>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>Annual Report – July 2017 (116C023 v1 – 4 July 2017)</p> <p>Annual Report – July 2018 (116G045 v1 – 16 August 2018)</p>	No complaints have been reported.	Not Triggered

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		Annual Report – July 2019 (116G051 v1.0 – 5 September 2019)  Complaints Register		
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 Report – July 2017 (116C023 v1 – 4 July 2017)  Annual Report – July 2018 (116G045 v1 – 16 August 2018)  Annual Report – July 2019 (116G051 v1.0 – 5 September 2019)  Complaints Register	No complaints have been reported.	Not Triggered
M5.3	The record of a complaint must be kept for at least 4 years after the complaint was made.		No complaints have been reported.	Not Triggered
M5.4	The record must be produced to any authorised officer of the EPA who asks to see them.		No complaints have been reported.	Not Triggered
M6 M6.1	<b>Telephone complaints line</b> The licensee must operate during its operating hours a telephone complaints line for the purpose of receiving any 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.	<a href="http://www.regainmaterials.com/about/regain-operations/tomago/tomago-capacity-increase-project">http://www.regainmaterials.com/about/regain-operations/tomago/tomago-capacity-increase-project</a>	Number provided for information or complaints.	Compliant

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M6.2	<b>Requirement</b> 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.	<a href="http://www.regainmaterials.com/about/regain-operations/tomago/tomago-capacity-increase-project">http://www.regainmaterials.com/about/regain-operations/tomago/tomago-capacity-increase-project</a>	Number provided for information or complaints.	Compliant
M6.3	The preceding two conditions do not apply until 3 months after: a) the date of the issue of this licence or b) if this licence is a replacement licence within the meaning of the Protection of the Environment Operations (Savings and Transitional) Regulation 1998, the date on which a copy of the licence was served on the licensee under clause 10 of that regulation.	<a href="http://www.regainmaterials.com/about/regain-operations/tomago/tomago-capacity-increase-project">http://www.regainmaterials.com/about/regain-operations/tomago/tomago-capacity-increase-project</a>	Number provided for information or complaints.	Compliant
M7 M7.1	<b>Other monitoring and recording conditions Sampling Aluminium Smelter Wastes</b> Any sampling and testing procedures referred to in this licence for spent potliner 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

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6 R1 R1.1  a) b)	<b>REPORTING CONDITIONS</b> <b>Annual return documents</b> 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: a) a Statement of Compliance; and b) a Monitoring and Complaints Summary.	Annual Report – July 2017 (116C023 v1 – 4 July 2017)  Annual Report – July 2018 (116G045 v1 – 16 August 2018)  Annual Report – July 2019 (116G051 v1.0 – 5 September 2019)	Annual returns have been completed in accordance with specified requirements.	Compliant
R1.1	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.	No action required		Not Triggered
R1.2	An Annual Return must be prepared in respect of each reporting period, except as provided below.	Not applicable		Not Triggered
R1.3	Where this licence is transferred from the licensee to a new licensee: 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.			

Approval ID	Requirement	Evidence Collected	Independent Audit Findings and Recommendations	Compliance Status
R1.4 a) b)	Where this licence is surrendered by the licensee or revoked by the EPA or Minister, the licensee must prepare an Annual Return in respect of the period commencing on the first day of the reporting period and ending on: in relation to the surrender of a licence - the date when notice in writing of approval of the surrender is given; or 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 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 Winchill entry 20/12/19	Anniversary date is 5/11/19.  Example reviewed showed annual return sent 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 Report – July 2017 (116C023 v1 – 4 July 2017)  Annual Report – July 2018 (116G045 v1 – 16 August 2018)  Annual Report – July 2019 (116G051 v1.0 – 5 September 2019)	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 Report – July 2017 (116C023 v1 – 4 July 2017)  Annual Report – July 2018 (116G045 v1 – 16 August 2018)  Annual Report – July 2019 (116G051 v1.0 – 5 September 2019)	Annual returns signed by licence holder.	Compliant

Approval ID	Requirement	Evidence Collected	Independent Audit Findings and Recommendations	Compliance Status
		2019)		
R2 R2.1 R2.2	<p><b>Notification of environmental harm</b></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 Regional manager Site Inspection Annual Reports	No environmental harm caused.	Not Triggered
R3 R3.1  a)  b)	<p><b>Written report</b></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 Regional manager	No events have occurred.  No advice from EPA relating to events.	Not Triggered

Approval ID	Requirement	Evidence Collected	Independent Audit Findings and Recommendations	Compliance Status
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 Regional 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 Regional manager	No events have occurred.  No advice from EPA relating to events.	Not Triggered
a)	the cause, time and duration of the event;			
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.			

Approval ID	Requirement	Evidence Collected	Independent Audit Findings and Recommendations	Compliance Status
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 Regional Manager	No written requests made.	Not Triggered
7 G1 G1.1	<b>GENERAL CONDITIONS</b> <b>Copy of licence kept at the premises or plant</b> 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
G1.2	The licence must be produced to any authorised officer of the EPA who asks to see it.	Interview Regional 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

Approval ID	Requirement	Evidence Collected	Independent Audit Findings and Recommendations	Compliance Status
8 U1 U1.1	<p><b>POLLUTION STUDIES AND REDUCTION PROGRAMS</b></p> <p><b>PRP – Air Emissions Verification Report</b></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 Discharge Point 1, in accordance with the requirements specified in condition M2.1 of this licence - COMPLETED NOVEMBER 2013 AND JANUARY 2014.</p> <p>Within 9 months of commissioning pollution controls for the SPL Preparation Plant and/or the SPL Drying and Blending Plant the licensee must submit an Air Emissions Verification Report to the EPA detailing the results of source emissions sampling and analysis, undertaken at Discharge 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 Regional Manager	Commissioning is currently occurring therefore the Air Emissions Verification Report is not yet required.	Not Triggered
a)	A minimum of 3 tests each for the treatment of first cut SPL (removed carbon cathode lining) and second cut SPL (removed refractory lining) 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.			
<b>Environmental Protection Licence #20976 dated 8 August 2017</b>				
1 A1 A1.1	<b>Administrative Conditions</b> <b>What the licence authorises and regulates</b>  This licence authorises the transport of waste.	Interview with Regional Manager	Regain transports SPL waste from Hydro to Tomago site.	Compliant
A1.2	The activities are listed according to their scheduled activity classification, fee-based activity classification and the scale of the operation (if relevant). 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.	EPL #20976	There is no restriction to the scale specified for transport of category 1 and category 2 trackable waste.	Compliant
A2 A2.1	<b>Information supplied to the EPA</b> 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 of Hydro SPL records e.g. 15/7/20.	Transport of SPL waste from Hydro is conducted as per the licence application.	Compliant

Approval ID	Requirement	Evidence Collected	Independent Audit Findings and Recommendations	Compliance Status
2 P1 P1.1	<p><b>Discharges to Air and Water and Applications to Land</b></p> <p><b>Location of monitoring/discharge points and areas</b> 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.</p>	No monitoring points listed.	No monitoring required	Not Triggered.
3 O1 O1.1	<p><b>Operating Conditions</b></p> <p><b>Activities must be carried out in a competent manner</b> 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.</p>	<p>Safe Work Check sheet</p> <p>Loading and Transport of Hydro SPL.</p> <p>Photograph covered truck (Photo 10)</p> <p>Waste transport certificates e.g. 15/7/20</p> <p>Interview Operations Manager</p>	<p>Loading and Transport of Hydro SPL refers to traffic plan. Trucks are to be covered. Spills management is described.</p> <p>One contractor works for Regain transporting SPL from Hydro to Regain – approximately 4-5 loads per day. SPL waste is taken from a designated area at Hydro under the direction of their site staff. SPL waste is loaded into Shed 5 under controlled conditions. Waste certificates are processed online.</p>	Compliant
O2 O2.1	<p><b>Maintenance of plant and equipment</b></p> <p>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.</p>	Pre-start checks e.g. 27/7/20	<p>Pre-start checks of the loader and truck are conducted each day.</p> <p>Equipment is blown down with a battery operated blower. Check sheets are completed (e.g. 27/7/20).</p>	Compliant
4 M1 M1.1	<p><b>Monitoring and Recording Conditions</b></p> <p><b>Recording of pollution complaints</b> The licensee must keep a legible record of all complaints made to the licensee or any employee or agent of the</p>	<p>Complaints Register</p> <p>Interview Regional Manager</p>	No complaints have been made.	Not Triggered

Approval ID	Requirement	Evidence Collected	Independent Audit Findings and Recommendations	Compliance Status
	licensee in relation to pollution arising from any activity to which this licence applies.			
M1.2	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.	Complaints Register Interview Regional Manager	No complaints have been made.	Not Triggered
M1.3	The record of a complaint must be kept for at least 4 years after the complaint was made.	Complaints Register Interview Regional 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 Regional Manager	No complaints have been made.	Not Triggered
5 R1 R1.1	<b>Reporting Conditions</b> <b>Notification of environmental harm</b> Notifications must be made by telephoning the Environment Line service on 131 555.	Interview Regional 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 Regional Manager	No environmental harm has occurred.	Not Triggered
R2.1	<b>Written report</b> 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	Interview Regional 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
	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.			
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 Regional Manager	EPA has not suspected that an event has occurred. No events have occurred.	Not Triggered
R2.3	<p>The request may require a report which includes any or all of the following information:</p> <ul style="list-style-type: none"> <li>i) the cause, time and duration of the event;</li> <li>j) the type, volume and concentration of every pollutant discharged as a result of the event;</li> <li>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;</li> <li>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;</li> <li>m) action taken by the licensee in relation to the event, including any follow-up contact with any complainants;</li> <li>n) details of any measure taken or proposed to be taken to prevent or mitigate against a recurrence of such an event; and</li> <li>o) any other relevant matters.</li> </ul>	Interview Regional Manager	EPA has not suspected that an event has occurred. No events have occurred.	Not Triggered
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 Regional 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
6 G1 G1.1	<b>General Conditions</b> <b>Copy of licence kept at the premises or plant</b> The licence must be produced to any authorised officer of the EPA who asks to see it.	Interview Regional 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:** 23/6/2020

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:

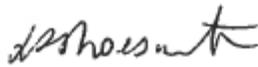
a) Under section 10.6 of the *Environmental Planning and Assessment Act 1979* a person must not include false or misleading information (or provide information for inclusion in) in a report of monitoring data or an audit report produced to the Minister in connection with an audit if the person knows 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 Lead Environmental Auditor (#12299)

**Company** Ardent Group Pty Ltd

## Appendix 3 Auditor Letter of Approval



Kevin Cooper  
NSW Regional Manager  
Regain Services Pty Ltd  
PO Box 1280  
NEWCASTLE NSW 2300

Via Email ONLY: [kevin.cooper@regainmaterials.com](mailto:kevin.cooper@regainmaterials.com)

08/07/2020

Dear Mr Cooper

**Spent Potlining Recycling Facility, Tomago (MP 06\_0050)  
Endorsement of Independent Environmental Audit Team**

Reference is made to correspondence from Regain Services Pty Ltd, seeking the agreement of the Secretary of the Department of Planning, Industry and Environment (the Department) of a suitably qualified, experienced and independent audit team to undertake and Independent Environmental Audit (IEA) for the Spent Potlining Recycling Facility, Tomago (the site), as required by Schedule 4, Condition 29 of Project Approval MP 06\_0050, as modified (the approval).

The Secretary endorses the following audit team from Ardent Group Pty Ltd:

- Ms Lana Shoesmith – Lead Auditor; and
- Ms Joanne Salmon – Senior Environmental Consultant.

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 1 August 2017 to the IEA audit inspection date, which shall coincide with the end of the audit period, and be completed on or around 31 July 2020, unless otherwise agreed by the Secretary.

The IEA report, together with responses to any recommendations (RAR) contained in the IEA report, should be submitted to the Department's Major Project Website (<https://www.planningportal.nsw.gov.au/major-projects>) by **15 September 2020**, unless otherwise agreed by the Secretary.

If you have any questions, please contact Ann Hagerthy, Senior Compliance Officer, on (02) 6575 3407 or email to [compliance@planning.nsw.gov.au](mailto:compliance@planning.nsw.gov.au)

Yours sincerely



Heidi Watters  
Team Leader Northern  
Compliance

*As nominee of the Planning Secretary*

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## **Appendix 4 Agency Contact Details and Response Summary**

## Appendix 4A Agency Contact Details and Response Summary

Agency	Contact	Response	Reference
Department of Environment and Planning	Ann Hagerthy Senior Compliance Officer	Comply with the Independent Audit PAR as per letter. No further focus areas, noting that stormwater management and waste management are well covered by conditions. No specialist input is required. No requirement to contact other parties.	Telephone discussion 21/7/20

## Appendix 4B Opening and Closing Meeting Attendance

Person	Role	Opening Meeting	Closing Meeting
Kevin Cooper	Regional Manager NSW, Regain	28/7/20	30/7/20
Roy Elliott	Operations Manager, Regain	28/7/20	30/7/20
Lana Shoesmith	Lead Auditor, Ardent Group	28/7/20	30/7/20

## 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:** 28/8/2020

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:

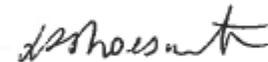
a) Under section 10.6 of the *Environmental Planning and Assessment Act 1979* a person must not include false or misleading information (or provide information for inclusion in) in a report of monitoring data or an audit report produced to the Minister in connection with an audit if the person knows 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, appearing to read "L. Shoesmith", is written over a faint dotted line.

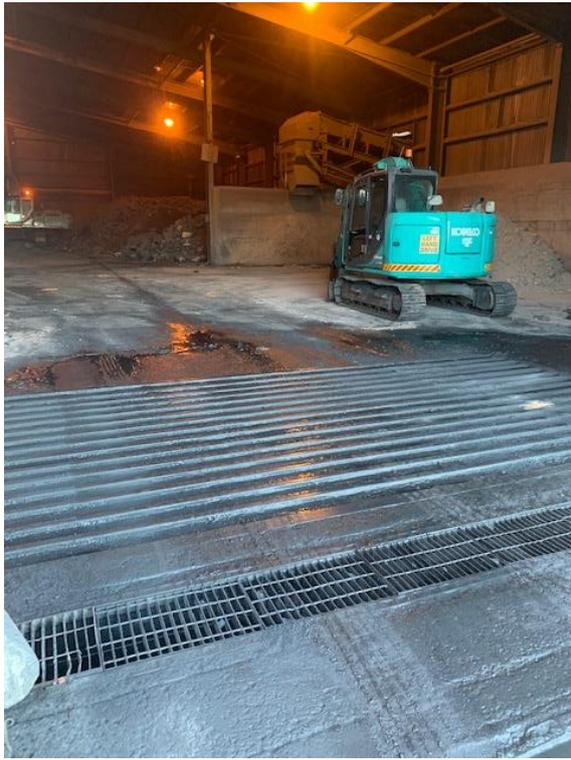
**Qualifications** Bachelor of Science (Hons), Post-graduate Diploma Environmental Management, Graduate Certificate Waste Management, Exemplar Global Registered Lead Environmental Auditor (#12299)

**Company** Ardent Group Pty Ltd

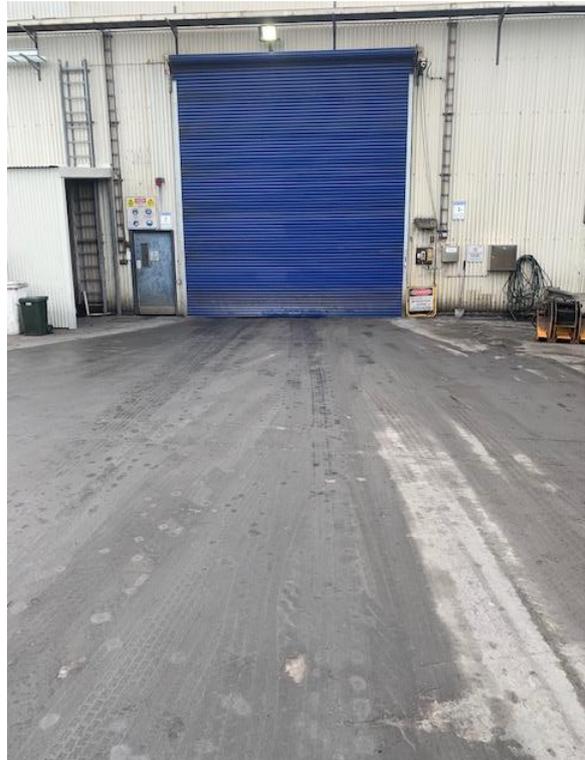
**Company Address** 3 Water Street Red Hill QLD 4059

## Appendix 6 Site Inspection Photographs

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



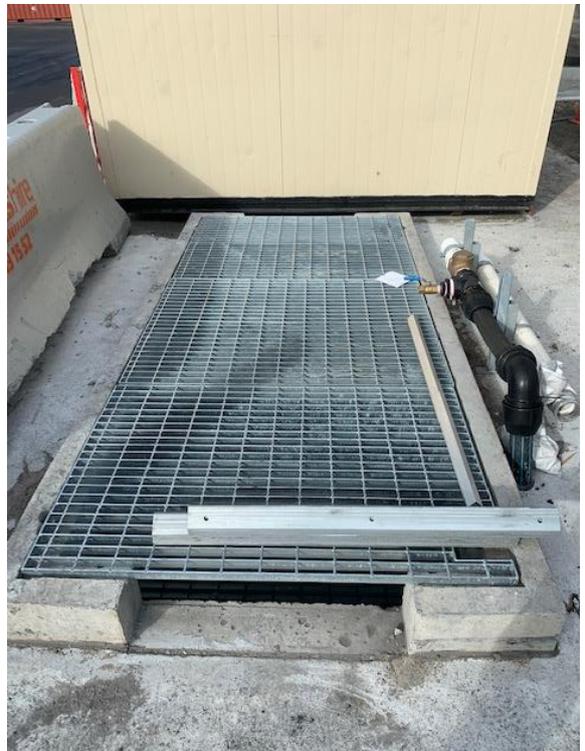
**Photo 2 – Shed 5 Entrance Doors**



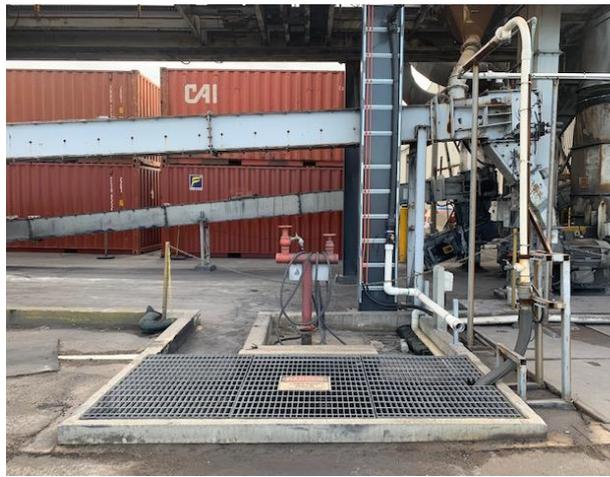
**Photo 3 – Lubrication stored in the designated area inside a shipping container.**



**Photo 4 – Stormwater Sump - Upgrade**



**Photo 5 – Stormwater Sump - Existing**



**Photo 6 – Stormwater Storage Tanks - Upgrade**



**Photo 7 – Stormwater Storage Tank - Existing**



**Photo 8 - Pavement Bunding**



**Photo 9 – Hard Stand**



**Photo 10 – Covered Truck**



**Photo 11 – Dust Collector & Stack TPP No 1**



**Photo 12 – SPL Thermal Treatment Plant No 2**



Photo 13 – Spill Kit



Photo 14 – SCADA SPL Thermal Treatment Plant 1



Photo 15 – Kiln Explosion Vent

