

# **INDEPENDENT ENVIRONMENTAL AUDIT REPORT**

**Regain Services Pty Ltd**

**MP 06\_0050 MOD 2**

26 September 2024

Version 01

REG-004

## 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, on 14 August 2024. The objective of the audit was to determine the environmental performance and compliance status of the project, as required by Project Approval 06-0050 MOD 2 dated 22 August 2019. The scope of the audit included all key environmental regulatory requirements and assessed all for activities undertaken during the period to 1 August 2023 – 14 August 2024.

This is the fourth 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 #1630208. There are well managed systems of documentation to address these legislative requirements and there was evidence to demonstrate that these are well implemented.

Zero non-compliances were identified.

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

## 2 INTRODUCTION

### 2.1 Background

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

In 2009 Tomago Aluminium Company and Regain established an Agreement to process SPL for a five-year term after which the EA and Project Application were submitted and approved – DoP Project Approval 06\_0050 (dated 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 work commenced on the SPL Processing Facility project with the implementation of site improvements and the installation of a Stormwater Catchment System.

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

The Regain Facility had been processing up to 20,000 tonnes per year of SPL operating under Project Approval 06\_0050 MOD 1 and Environmental Protection Licence (EPL) #13269, issued under the *Protection of the Environment Operations Act 1997 (POEO Act)*. Due to industry demand, an application was made to DoP to increase processing capacity to 60,000 tonnes per year, which was granted 22 August 2019 (DoP Project Approval 06\_0050 MOD 2), with an amended EPL issued 29/7/2020. This Stage 1 Process Plant included construction and integration of the thermal plant, construction of the stormwater system and ancillary components to facilitate an increase in production to 60,000 tonnes per year. Construction was completed in mid-2020.

Since construction, the plant entered an extended commissioning period due to severe disruptions to site access and the supply chain created by the Covid-19 pandemic. Commissioning of Stage 1 was completed in March 2024, with the operations phase commencing on 2<sup>nd</sup> April 2024.

Condition 30 of Project Approval 06\_0050 MOD 2 specifies that independent audits be conducted in accordance with the approved Independent Audit Program and the *Independent Audit Post Approval Requirements* (2018). This fourth independent audit addresses the requirement to conduct an Independent Audit within 26 weeks of commencement of operations.

It should be noted that the 2018 Independent Audit Post Approval Requirements has been superseded by the 2020 revision. The most recent version of the Independent Audit Post Approval Requirements (2020) has been used for this current audit and will be used for future independent audits.

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

A declaration of independence is attached at Appendix 2.

The auditor was approved by the Department of Planning and Environment in a letter dated 29<sup>th</sup> May 2024 (attached Appendix 3).

The Department agreed to the proposed scope confirmed that no technical specialists were required (communication logged in Appendix 4).

## 2.2 Audit Objective

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

## 2.3 Audit Scope

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

The scope included assessing compliance with:

- Project Approval 06\_0050 dated 7 August 2009
- Notice of Modification MP 06\_0050 MOD 1 dated 16 November 2016
- Notice of Modification MOD 2 06\_0050 MOD 2 dated 22 August 2019
- The Environmental Assessment: Capacity Increase at the Regain Spent Potlining Facility, Tomago dated 13 November 2018, in particular:
  - the Statement of Commitments
  - Comparison of actual impacts compared to predicted impacts documented in the Environmental Assessment
- Project Layout Plans and Drawings, as shown in Appendix A, MOD 2 06\_0050 MOD 2 dated 22 August 2019, including the extent of the development in comparison with the approved boundary
- Licence Number 1630208 dated 7 July 2023 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 Operations Environmental Management Plan dated 21 January 2023 (OEMP)
- Implementation of the previous Independent Audit Findings (Independent Environmental Audit Report. Regain Services Pty Ltd MP 06\_0050 MOD 2 dated 29 September 2023 REG-003 – referred to as “2023 Independent Audit Report” in the current report)

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

- Environmental Protection Licence #13269 dated 6 September 2023 – Resource Recovery, Waste Storage
- Environmental Protection Licence #20976 dated 8 August 2017 – Transport of Trackable Waste

## 2.4 Audit Period

As specified in a letter from the Department (29/5/2024) the audit period is from 1 August 2023 to the audit inspection date (14<sup>th</sup> August 2024). Appendix 3 contains the Auditor Letter of Approval.

## 2.5 Audit Methodology

The Independent Environmental Audit of the Regain Spent Potlining Process Facility was conducted during the period 22 July 2024 – 14 August 2024, with the initial review of documentation occurring prior to the site audit inspection conducted on 14 August 2024.

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 Environmental Management Plan, as well as required compliance reports. 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 (Appendix 6). Following completion of the audit, a detailed report was prepared.

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

## 2.6 Reporting

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

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

Each requirement was assessed, and the following categories were used:

- Compliant – sufficient verifiable evidence was provided to demonstrate that the requirements specified within a Condition have been met.
- Non-compliant – sufficient verifiable evidence was provided to demonstrate that the requirements specified in the condition have not been met.
- Not triggered – condition where the activities specified in the condition were not undertaken during the current audit period e.g. conditions relating to construction.

## 3 FINDINGS

### 3.1 Approval and Document List

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

- Project Approval 06\_0050 dated 7 August 2009
- Notice of Modification MP 06\_0050 MOD 1 dated 16 November 2016
- Notice of Modification MOD 2 06\_0050 MOD 2 dated 22 August 2019
- The Environmental Assessment: Capacity Increase at the Regain Spent Potlining Facility, Tomago dated 13 November 2018
- Project Layout Plans and Drawings, as shown in Appendix A, MOD 2 06\_0050 MOD 2 dated 22 August 2019
- Environmentally Hazardous Chemicals Licence Number 1630208 dated 8 July 2023
- Environmental Protection Licence #13269 dated 9 September 2023
- Environmental Protection Licence #20976 dated 8 August 2017
- Operations Environmental Management Plan dated 21 January 2023

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

### 3.2 Compliance Performance

Regain operates under a management system that complies with ISO14001:2015, ISO45001:2018 and ISO9001:2015. There was evidence of a well implemented system of documentation and records that was 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 #1630208. The site also demonstrated compliance with the requirements specified in the Operations Environmental Management Plan.

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

Zero non-compliances were identified.

### 3.3 Agency Notices

A search of relevant public registers ([www.app.epa.nsw.gov.au/prpoeoapp](http://www.app.epa.nsw.gov.au/prpoeoapp)) showed that no penalty notices or prosecutions in relation to environmental performance have been issued during the audit period.

### 3.4 Non-compliances

Zero non-compliances were identified during the audit.

### 3.5 Previous Audit Recommendations

A review of the status of actions conducted arising from the previous Independent Audit Report findings from the 2023 audit showed one opportunity for improvement had been raised which noted that Cadmium is not specified in Condition M2.2 air monitoring requirements despite it being listed in the Air Concentration Limits table at Condition L2.2. Cadmium was also not listed in the annual return, despite being assessed during the biannual monitoring program. Regain agreed to include this in a licence variation, in response to both the 2020 and 2023 Independent Audit findings. NSW EPA advised that this should be included at the same time the licence variation application of the Air Emissions Verification Report was submitted (EPL Condition 8 – Pollution Studies and Reduction Programs). The Air Verification Report is not yet required due to an extended commissioning phase, hence there has been no application for a licence variation and therefore the opportunity for improvement raised



previously has yet to be closed out. This is deemed appropriate, given the circumstances, as there is no alternative appropriate option to seek an EPL variation with respect to this issue.

### 3.6 Adequacy of Environmental Plans

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

Additionally, Regain operate under a certified management system compliant with ISO14001:2015, ISO45001:2018 and ISO9001:2015, which 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.

An **opportunity for improvement** is noted to review the OEMP and associated documents to make a number of administrative changes e.g. Hazardous Chemicals Licence # update, organisation chart and contact numbers, and to remove the items relating to construction that are no longer relevant. It was advised that this review has already commenced.

The management plans are well supported with checklists to enable the appropriate records to be made to demonstrate compliance with the management plans.

**Opportunity for improvement** – update loading / unloading checklist to include management of the doors in relation to loading and unloading trucks.

**Opportunity for improvement** – update weekly housekeeping checklist to include the sump pit. Note this is checked however there is no section in the weekly checklist.

### 3.7 Environmental Performance

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

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

### 3.8 Consultation Outcomes

Section 3.2 of the *Independent Audit Post Approval Requirements (May 2020)*, requires that the Department be consulted to confirm the scope of the audit. Communication with Laura Gothard (Senior Compliance Officer, Department of Planning, Housing and Infrastructure) occurred on 31/7/2024, as documented in Appendix 4, who confirmed that no further consultation would be required in relation to the scope of the audit and no modification to the scope was needed. It was also confirmed that technical experts were not required for this audit scope.

### 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 zero 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 and legislative requirements.

### 3.12 Site Inspection

The site inspection verified compliance with the Operations Environmental Management Plan. The entire Regain compound was inspected. This included the SPL processing facility, raw material and product storage sheds, hard standing areas and stormwater system, hazardous substances storage area and office building. The site is entirely contained within the bounds of the Tomago Aluminium smelter site.

The site is completely hard standing and fully bunded. Any water drains to a sump and contains the first flush. Water is collected into a tank and recycled through the process. Any sediment is captured and used in the process transforming the SPL to product. Due to routine work practices and routine weekly sweeping of the hard standing, minimal sediment enters the sump. This was observed on site during the inspection.

Spill kits were in place on site and were observed to be fully stocked and appropriate for the nature of site works. 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.

At the time of the site inspection, a truck was observed unloading product into Shed 5. It was noted at the time of delivery that the doors to Shed 5 were shut. The door was opened, and the truck backed entirely within the shed. The door was then completely closed before unloading. A vent closure panel system is now in operation to mitigate the risk of fugitive dust from Shed 5. Previously, Shed 5 could become pressurised by westerly winds when the roller doors were opened to allow trucks to enter. Now there are closure vents which operate via sensor on the roller doors, hence avoiding these fugitive dust emissions.

Loading of product into shipping containers occurs within Shed 6. The product is kept in a damp state to avoid dust. This process was not sighted during the inspection. It was noted, however, that the door to Shed 6 was closed.

There was no evidence of dust sighted during the site inspection and there was no evidence of build-up of material on the hard standing area. Sweepers are contracted to operate on a routine basis. Collected material is then utilised in the process, thus minimizing waste.

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, in compliance with the DECC *Waste Classification Guidelines*. This is audited as part of the Tomago Aluminium Company's EMS requirements.

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

There was no evidence of off-site impacts.

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

### 3.13 Site Interviews

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

### 3.14 Compliance Report Recommendations

*Compliance Reporting Post Approval Requirements* (Department 2020) specifies that compliance reports are required for operations. Operations commenced 2 April 2024 and therefore a report has not yet been required. It was noted that a Pre-Operational Compliance Report was prepared (28/3/24) noting compliance with all applicable conditions.

Annual returns for the Environmentally Hazardous Act Licence #1630208 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 to ensure that during the next EPL review that the conditions be updated to establish consistency between the air concentration limits (L2.2), the air monitoring requirements (M2.2) and the annual report template. This was raised in both the 2020 and 2023 audits, however it has been agreed with the NSW EPA that this EPL amendment should occur at the same time as the amendment relating to the post-commissioning Air Verification Report. As the timeframe for the due date has not yet passed (within 12 months of commissioning), this air verification report has not been completed and therefore the trigger for an EPL request for amendment has not occurred.

As noted in section 3.6, opportunities for improvement in relation to conducting a review of the OEMP and associated documents to make a number of administrative changes; updating the loading/unloading checklist and updating the weekly housekeeping checklist are described.

### 3.16 Key Strengths

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

The site inspection revealed a well-managed site. Clear compliance with the 06\_0050 MOD 2 requirements and the Operations Environmental Management Plan were evident. Key personnel were well aware of the regulatory obligations relating to environmental management and ensure that compliance can be demonstrated for all specified requirements.

## 4 CONCLUSION AND RECOMMENDATIONS

The audit found that Regain demonstrated compliance with the Development Approval MP06\_0050 MOD 2; the Environmental Assessment, including Statement of Commitments; Environmental Protection Licences #13269 and #20976 and the Environmental Hazardous Chemicals Act Licence #1630208. There are well managed systems of documentation to address these legislative requirements and there was evidence to demonstrate that these are well implemented.

Zero non-compliances were identified.

Opportunities for improvement were raised relating to updating the ELP #17269 to ensure consistency between air emission limits, monitoring, and annual reporting requirements; review of the Operational

Environmental Management Plan in relation to a number of administrative items; updating the housekeeping checklist; and updating the loading/unloading checklist.

As required by the Independent Audit Post Approval Requirements (2020), the audit report must be submitted within two months of the date of the site audit inspection (14 August 2024) – by 14 October 2024.

## 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. Confirmed via site inspection, interviews and review of documentation.	Regain operates under a management system that complies with ISO14001:2015, ISO45001:2018 and ISO9001:2015, which has been certified (16 March 2020) and re-certified (16 March 2023). There was evidence of a well implemented system of documentation and records that were able to demonstrate compliance with the requirements specified in this audit scope. The Operations Environmental Management Plan is a key document to prevent and/or minimise environmental harm.	Compliant
MOD 2 Schedule 2 Condition 2	The proponent shall carry out the project generally in accordance with the: a) Project Application 06_0050 b) EA c) MOD 1 d) MOD 2 e) Project layout plans and drawing listed in Appendix A f) Statement of commitments listed in MOD 2; and g) Conditions of this approval.	Reported throughout this audit checklist. Confirmed via site inspection, interviews and review of documentation.	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 Operations Manager) noted that there have been no requirement/s from the Planning Secretary in relation to submitted reports, plans, strategies, programs and correspondence or the implementation of the actions and measures contained within the reports, plans, strategies, programs and correspondence.	Not applicable.	Not Triggered
MOD 2 Schedule 2 Condition 5	The proponent must not receive or process more than 60,000 tonnes of SPL per year.	Environmentally Hazardous Chemicals Act Licence #1630208  Annual Report – July 2023 for period July 11 2022 – July 10 2023 (116G070 v1.0 – 31 August 2023).	A review of the annual report of the Environmentally Hazardous Chemicals Act Licence #1630208 for the current audit period showed that the quantity of aluminium smelter waste processed and the quantity of product produced was less than 60,000 tonnes of SPL per year (MP06_0050 limit). (49,656.21t)	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 #1630208  Annual Report – July 2023 for period July 11 2022 – July 10 2023 (116G070 v1.0 – 31 August 2023). The July 2024 Annual Report is in draft. This is not yet	SPL has been processed into HiCAI – 30; a carbon material rich in alumina, silica, sodium and fluorine that is used in the cement industry.  A description of the treatment process is included in the Annual Reports (section g). The Annual Reports also contain the	Compliant

Approval ID	Requirement	Evidence Collected	Independent Audit Findings and Recommendations	Compliance Status
		required (due within 60 days of end of reporting period).	SDS for HiCal 30 (attachment 2 of the annual report).	
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.	All Management Plans have been lodged at the required stage. No new management plans have been lodged during the current audit period.	Not Triggered
MP06_0050 Schedule 2 Condition 8	<p>The proponent shall ensure that all new buildings and structures on the site are constructed in accordance with the relevant requirements of the BCA.</p> <p><i>Notes:</i></p> <ul style="list-style-type: none"> <li><i>Under part 4A of the EP&amp;A Act, the Proponent is required to obtain construction and occupation certificates for the proposed building works</i></li> <li><i>Part 8 of the EP&amp;A Regulation sets out the requirements for the certification of the project.</i></li> </ul>	<p>(Independent Environmental Audit Report, 2023). Letter dated 7 April 2020 to Regain Services attaching the Construction Certificate No:20004 in relation to MP06_0050 &amp; MP06_0050 MOD 2; noting that a copy has been forwarded directly to Council for its records (Independent Audit Report, 2020). Construction Certificate No. 20004 certifying that the works completed comply with the requirements of the <i>Environmental Planning and Assessment Regulation 2000</i> as referred to in section 81A (5) of the <i>Environmental Planning and Assessment Act 1979</i> (Independent Audit Report, 2020).</p> <p>Occupation Certificate No. 20004, dated 25/8/22, as required by the <i>Environmental</i></p>	<p>No new building or structures were constructed during the current audit period. All new buildings and structures on site have addressed relevant requirements of the BCA, including construction and occupation certificates.</p>	Not Triggered



Approval ID	Requirement	Evidence Collected	Independent Audit Findings and Recommendations	Compliance Status
		<p><i>Planning and Assessment Act 1979.</i></p> <p>Thermal Treatment Plant 2 and associated structures on the site have been certified as constructed in accordance with the relevant requirements of the BCA.</p>		
MP06_0050 Schedule 2 Condition 9	<p>Prior to the construction of any utility works, the Proponent shall obtain the relevant approvals from the service providers, including Hunter Water.</p>	<p>Letter dated 11 December 2018 confirms that the issues relevant to Hunter Water have been sufficiently addressed in the Environmental Assessment. (Independent Audit Report, 2020).</p> <p>Email from Account Manager Major Development, Hunter Water Corporation sent 26 March 2020 to Regain confirming that Hunter Water is satisfied with the Environment Assessment in relation to the Spent Potliner (SPL) Recycling Facility MP06_0050 MOD 2 and has no comments. (Independent Audit Report, 2020).</p>	<p>No construction of utility works during the current audit period. Previously noted that Hunter Water was consulted as part of the Environmental Assessment process for MOD 2. No approvals from Hunter Water were required.</p>	Not Triggered
MP06_0050 Schedule 2 Condition 10	<p>The Proponent shall ensure that all plant and equipment used on the site is:</p> <ul style="list-style-type: none"> <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. inspection and maintenance of dust collector 13/5/24; stormwater system maintenance 17/7/24, stormwater cleaning and tank</p>	<p>Regain manages maintenance scheduling via the Winchill Maintenance System – a lifecycle management system used on an ongoing basis. Programmed maintenance is conducted. Work orders are scheduled. Details of work to be</p>	Compliant

Approval ID	Requirement	Evidence Collected	Independent Audit Findings and Recommendations	Compliance Status
		<p>inspection.</p> <p>Pre-start checks of plant and equipment e.g. excavator 9/8/24, 12/7/24; front end loader e.g. 10/7/24; forklift e.g. 7/6/24.</p>	<p>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>	
MP06_0050 Schedule 3 Condition 11	The Proponent shall comply with Section 120 of the <i>Protection of the Environment Operations Act 1997</i> .	<p>Site inspection (photos) <a href="https://apps.epa.nsw.gov.au/pr/poeoapp/">https://apps.epa.nsw.gov.au/pr/poeoapp/</a></p> <p>Annual Return 2023 dated 20/12/23</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. 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>.</p>	Compliant
MP06_0050 Schedule 3 Condition 12	All SPL waste must be stored and processed under cover or within the thermal treatment plant	<p>Site inspection (photos)</p> <p>Operational Environmental Management Plan (OEMP) (116C004 v8.2 dated 21 January 2023) Table 7.</p>	<p>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.</p> <p>OEMP Table 7 specifies storage and handling requirements for SPL waste which include being</p>	Compliant

Approval ID	Requirement	Evidence Collected	Independent Audit Findings and Recommendations	Compliance Status
			kept under cover in Shed 5. All SPL waste observed on site was under cover.	
MP06_0050 Schedule 3 Condition 13	All chemicals, fuels and oils shall be stored in appropriately bunded areas, with impervious flooring and sufficient capacity to contain 110% of the largest container stored within the bund. The bunds shall be designed and installed in accordance with the requirements of all relevant Australian Standards; and the DECC's <i>Storing and Handling Liquids: Environmental Protection, Participants Manual</i> .	Site inspection (photo)  Operational Environmental Management Plan (OEMP) (116C004 v8.2 dated 21 January 2023) Table 7.	Minor quantities of hydraulic oils and grease are stored in the designated area inside a shipping container. Chemical, fuel and oil containers are stored on bunded trays inside a designated container.  Hazardous substances storage requirements are specified in Table 7 of the OEMP requiring bunding, with impervious flooring and capacity to contain 100% of the largest container. These were sighted in the inspection.	Compliant
MP06_0050 Schedule 3 Condition 14	Erosion and sediment control at the site during construction shall be consistent with the requirements of Landcom's (2004) Managing Urban Stormwater: Soils and Construction manual.	Confirmed that this condition was compliant during the relevant previous audit period when construction activities occurred (Independent Audit Report 2020, 2023).  Erosion and Sediment Control Plan (246C004 v2.2) dated 1 November 2019. (Independent Audit Report, 2020, 2023).  Audit Report – Project HSE Construction Environmental Management Plan Tomago Aluminium SPL Processing Facility 24/6/20. (Independent	No construction occurred during the current audit period.  The Erosion and Sediment Control Plan (ESC Plan) was included as Appendix C in the CEMP. It was noted that the ESC Plan covers the requirements of the Landcom (2004) Managing Urban Stormwater: Soils and Construction manual. Construction occurred during the April – July 2020 period.	Not Triggered

Approval ID	Requirement	Evidence Collected	Independent Audit Findings and Recommendations	Compliance Status
		Audit Report, 2020, 2023).		
MP06_0050 Schedule 3 Condition 15	<p><b>Stormwater Management Plan</b> 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> <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>	<p>Letter dated 17/10/18 from NSW Planning &amp; Environment Reference MP 06_0050, #11637 (Independent Audit Report, 2020).</p> <p>Audit Report – Project HSE Construction Environmental Management Plan Tomago Aluminium SPL Processing Facility 24/6/20. (Independent Audit Report, 2020).</p>	<p>Requirements were addressed during the previous audit period (evidence reported below).</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> <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. Evidence demonstrated compliance with Condition 15.</p>	Not triggered

Approval ID	Requirement	Evidence Collected	Independent Audit Findings and Recommendations	Compliance Status
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> <ul 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> </ul>	<p>Tomago Aluminium SPL Processing Facility Stormwater Management Plan (116C011 v2.2 – 20 October 2019). (Independent Audit Report, 2020).</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. (Independent Audit Report, 2020).</p>	<p>Stormwater management system requirements related to this condition were addressed during a previous audit period (details reported below).</p> <p>Mr Ronald Klok and Mr Stephen Moylan from Arkhill Engineers were approved by the Planning Secretary and deemed to have the appropriate skills and experience to design the stormwater management system.</p> <p>Works as executed drawing signed by registered surveyor on 26/5/20. This was submitted to the certifying authority via email on 4/8/20 prior to commencement of Stage 1 operations.</p> <p>The stormwater management system is a first flush capture system to collect potentially contaminated water. The captured water is used as process water for the SPL processing plant. Any solid material collected in the sump is recovered and incorporated into the SPL Processing Facility. The entire site is bunded.</p> <p>Evidence demonstrated</p>	Not triggered

Approval ID	Requirement	Evidence Collected	Independent Audit Findings and Recommendations	Compliance Status
			compliance with condition 15A for the design and installation.	
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>Independent Audit Report 2023. 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. Robert Ball &amp; Associates are Accredited Building Certifiers and are a Principal Certifying Authority. (Independent Audit Report, 2020).</p> <p>Arkhill Engineers drawing 116TD168 “approved for construction” drawing stamped “works as executed levels shown in red 26-05-20” signed by registered surveyor (David Cant). (Independent Audit Report, 2020).</p>	<p>Requirements of this condition were addressed during a previous audit period.</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> <p>Evidence demonstrated compliance with Condition 15B.</p>	Not triggered
MOD 2 Schedule 3 Condition 15C	The surface water management system must be operated and maintained for the duration of the project.	<p>Site inspection (photos).</p> <p>Interview Operations Manager.</p> <p>Regain Tomago Site Inspection reports e.g. 13/8/24, 8/8/24, 19/7/24, 9/7/24, 3/7/24.</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. This was observed during the site inspection.</p>	Compliant

Approval ID	Requirement	Evidence Collected	Independent Audit Findings and Recommendations	Compliance Status
			<p>Housekeeping site inspection report noted stormwater system and drains were clean. Daily sweep and weekly check thus reducing the quantity of solids on site. Housekeeping inspections are well completed and note any actions required. Routine annual maintenance pump out. Site audit inspection noted that the hardstand was free from material, drains were clear and the bunding was intact. Implementation with the stormwater plan was confirmed during the site inspection.</p>	
<p>MOD 2 Schedule 3 Condition 16</p>	<p>At least one month prior to the commencement of Stage 1 construction of the Project as modified by MOD 2 (except for construction of those preliminary works that are outside the scope of the hazard studies), or within such further period as the Planning Secretary may agree, the Proponent must prepare and submit for the approval of the Planning Secretary the studies set out under subsections 16(a) to 16(c) below (the preconstruction studies). Construction, other than the preliminary works that are outside the scope of the hazards studies must not commence until approval has been given by the Planning Secretary.</p> <p>a) A Hazard and Operability Study for the Project inclusive of MOD 2, chaired by a qualified person, independent of the Project, approved by the Planning Secretary prior to the commencement of the study. The study shall be carried out in accordance with the Department's Hazardous Industry Planning Advisory Paper No. 8,</p>	<p>Regain Service Pty Ltd. Capacity Increase at Tomago Spent Potlining Facility Hazard and Operability Study (HAZOP) Report 40,000 tpa Capacity Thermal Treatment Plan. (Bureau Veritas AIRS Pty Ltd, v0 dated 17 January 2020, 246R005). (Independent Audit Report, 2020).</p> <p>Capacity Increase of SPL Processing Facility at Tomago Construction Safety Study (dated 24 January 2020, 246R007 v1.2) (Independent Audit Report, 2020).</p>	<p>Requirements for this condition were addressed during a previous audit period.</p> <p>A HAZOP study has been prepared inclusive of MOD 2 and in accordance with the Department's Advisory Paper No. 8 and has been approved by the Planning Secretary at least one month prior to commencement of Stage 1 Construction.</p> <p>A Construction Safety Study has been prepared inclusive of MOD 2 and in accordance with the Department's Advisory Paper No</p>	<p>Not triggered</p>



Approval ID	Requirement	Evidence Collected	Independent Audit Findings and Recommendations	Compliance Status
	<p>“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>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. (Independent Audit Report, 2020).</p>	<p>7 and has been approved by the Planning Secretary at least one month prior to commencement of Stage 1 Construction.</p>	
<p>MOD 2 Schedule 3 Condition 16A</p>	<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</p>	<p>Independent Audit Reports (2020, 2023). Emergency response drill records 31/10/2023.</p> <p>Pollution Incident Response Management Plan (116C031 v3.2 dated 19 January 2023) – updated from previous lodged version (7 April 2020). Independent Audit Report, 2023).</p> <p>Safety Management System (246R009 v1.1 dated 7 April 2020). (Independent Audit Report, 2020).</p> <p>Letter dated 26/5/2020 from the Department of Planning, Industry &amp; Environment confirming receipt of the Emergency Response Plan and the Safety Management System (submitted 9 April</p>	<p>Requirements of this condition were addressed during the previous audit period(s) with respect to development of the required plans and systems.</p> <p>With respect to the implementation of the Emergency Plan, the relevance only relates to the testing of the plan, which occurred. Emergency response drill conducted 31/10/23 – smoke observed coming from plant.</p>	<p>Compliant</p>



Approval ID	Requirement	Evidence Collected	Independent Audit Findings and Recommendations	Compliance Status
	<p>developed in accordance with the Department's Hazardous Industry Planning Advisory Paper No. 9, 'Safety Management'.</p>	<p>2020) and approved these documents in accordance with Condition 16A. (Independent Audit Report, 2020).            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.            Independent Audit Reports (2020, 2023) noted:            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'.            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>		

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>	Commencement of stage 1 operations occurred 2 April 2024.	Condition 16B is not yet applicable as Stage 1 operations commenced 2 April 2024, hence it is still within the 12-month period.	Not Triggered
MOD 2 Schedule 3 Condition 16C	The Proponent must comply with all reasonable requirements of the Planning Secretary in respect of the implementation of any measures arising from the reports submitted in respect of Conditions 16, 16A and 16B inclusive, within such time as the Planning Secretary may agree.	No additional requirements from the Planning Secretary have been requested in respect of the implementation of the reports submitted in respect of Conditions 16 and 16A. Condition 16B is not yet applicable.	No additional requirements from the Planning Secretary have been requested in respect of the implementation of the reports submitted in respect of Conditions 16 and 16A. Condition 16B is not yet applicable.	Not Triggered
MP06_0050 Schedule 3 Condition 17	The Proponent must carry out all reasonable and feasible measures to minimise dust generated by the project.	<p>Site Inspection.</p> <p>Operational Environmental Management Plan (OEMP) (116C004 v8.2 dated 21 January 2023) Table 7.</p> <p>Safe Work Check sheets</p>	Table 7 OEMP lists risk controls to minimise dust. These include handling SPL material under cover; ensure SPL Building 5 is kept closed; processed material is kept damp and stored in shed 6; rumble grids are at the doorways of sheds 5 and 6;	Compliant

Approval ID	Requirement	Evidence Collected	Independent Audit Findings and Recommendations	Compliance Status
		<p>Complaints Register shows no dust complaints.</p> <p>Tomago Spent Potlining Facility Shed 5 Fugitive Dust Risk Mitigation Vent Closure Panel System Commissioning Report V1.1 dated 28/3/24.</p>	<p>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 is 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>Implemented vent panel system to reduce potential for fugitive dust emissions.</p> <p>Site inspection verified these controls outlined in Table 7 OEMP were in place and effective. No evidence of dust was 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.</p> <p>Operational Environmental Management Plan (OEMP) (116C004 v8.2 dated 21 January 2023) Table 7.</p> <p>Annual Return 2023 dated 20/12/23</p> <p>Regain Tomago – Biannual Emissions Testing Report v30 May 2024 published 2 July 2024, and 22 February 2024</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	<p>The Proponent must prepare an Air Quality Management Plan (AQMP) to the satisfaction of the Planning Secretary. The plan must form part of the OEMP required by Condition 26D and be prepared in accordance with Condition 26. The AQMP must:</p> <ul style="list-style-type: none"> <li>- be prepared by a suitably qualified and experienced person(s) whose appointment has been endorsed by the Planning Secretary;</li> <li>- detail and rank all emissions from all sources of the Project, including particulate emissions;</li> <li>- describe a program that is capable of evaluating the performance of the operation and determining compliance with key performance indicators;</li> <li>- identify the control measures that that will be implemented for each emission source; and</li> </ul> <p>nominate the following for each of the proposed controls:</p> <ul 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> </ul>	<p>Air Quality Management Plan Capacity Increase at the Regain Spent Potlining Facility, Tomago. AECOM Report (60512726) dated 10 June 2020. (Independent Audit Report, 2020).</p> <p>Operational Environmental Management Plan (OEMP) (116C004 v8.1 dated 12 June 2020). (Independent Audit Report, 2020).</p> <p>Letter dated 14/5/2020 from the Department of Planning, Industry &amp; Environment confirming endorsement of Mr David Rollings and Mr Gabriel Wardenburg from AECOM confirming that they have the</p>	<p>The requirements of these conditions were addressed during a previous audit period.</p> <p>The Air Quality Management Plan is included as Attachment 4 of the OEMP. This is included in the current version 8.2.</p> <p>The 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 Department of Planning, Industry &amp; Environment confirming compliance.</p>	Compliant

Approval ID	Requirement	Evidence Collected	Independent Audit Findings and Recommendations	Compliance Status
	vi.) response procedures; and vii.) compliance monitoring	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.		
MOD 2 Schedule 3 Condition 18B	The Proponent must: a) not commence operations until the AQMP required by Condition 18A is approved by the Planning Secretary; and b) implement the most recent version of the AQMP approved by the Planning Secretary for the duration of the Project.	Air emission report 2023.  Independent Audit Reports (2020, 2023).  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.  Port Hunter Environmental Regain Tomago – Biannual Emissions Testing Report November 2023.  Port Hunter Environmental Regain Tomago – Biannual Emissions Testing Report May 2024.	Dust collectors specified in the Air Quality Management Plan Table 7 are in place. Air monitoring is conducted in accordance with the EPL.  Evidence demonstrated implementation of the most recent version of the approved AQMP.  Evidence verified in previous independent audits relating to The Air Quality Management Plan approval (14/7/20), prior to commencement of operations. Verification of evidence in previous audit(s).	Compliant

Approval ID	Requirement	Evidence Collected	Independent Audit Findings and Recommendations	Compliance Status
MOD 2 Schedule 3 Condition 19	<p>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:</p> <ul 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> <li>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;</li> <li>d) must identify mitigation measures to achieve the EPL emission limits; and</li> <li>e) include details of any amendments to the EPL as a result of the EPA's review of the AEVR.</li> </ul>	Site Inspection Interview NSW Regional Manager	<p>Stage 1 operations commissioning is now completed, with operations commenced 2 April 2024.</p> <p>A Post commissioning air emission verification report is not yet required.</p>	Not Triggered.
MP06_0050 Schedule 3 Condition 20	<p>The Proponent shall comply with the following restrictions:</p> <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>	<p>Operational Environmental Management Plan (OEMP) (116C004 v8.2 dated 21 January 2023) Table 7.</p> <p>SPL Processing Facility Capacity Increase Construction Environmental Management Plan (CEMP) (246C003 v1.3 dated 10 December 2019). (Independent Audit Report,</p>	<p>The OEMP specifies hours as any time for operations.</p> <p>The OEMP specifies construction hours. No construction occurred during the current audit period.</p>	Compliant

Approval ID	Requirement	Evidence Collected	Independent Audit Findings and Recommendations	Compliance Status									
		2020).											
MP06_0050 Schedule 3 Condition 21	<p>The proponent shall ensure that the noise from the operation of the project does not exceed the noise limits presented in Table 2.</p> <p>Table 2: Project Noise Limits (dB(A))</p> <table border="1" data-bbox="427 655 1115 852"> <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 dBALAeq (15 minutes)</td> <td>45 dBALAeq (1 minute)</td> </tr> <tr> <td>Industrial Receivers</td> <td>70 dBALAeq</td> <td>70 dBALAeq (1 minute)</td> </tr> </tbody> </table>	Location	Day/ Evening/ Night	Night	Residences on Tomago Road	35 dBALAeq (15 minutes)	45 dBALAeq (1 minute)	Industrial Receivers	70 dBALAeq	70 dBALAeq (1 minute)	Complaints register.	<p>There are no requirements for noise monitoring.</p> <p>No complaints have been made in relation to noise.</p>	Compliant
Location	Day/ Evening/ Night	Night											
Residences on Tomago Road	35 dBALAeq (15 minutes)	45 dBALAeq (1 minute)											
Industrial Receivers	70 dBALAeq	70 dBALAeq (1 minute)											
MP06_0050 Schedule 3 Condition 22	<p>At all times the Proponent shall ensure that:</p> <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>	Site inspection noted that the trucks were covered entering the site and exiting the site. Operational Environmental Management Plan (OEMP) (116C004 v8.2 dated 21 January 2023) Table 7.	<p>Observed trucks entering and exiting site and noted that load was covered.</p> <p>All trucks enter and leave the site via the North gate of the Tomago site. This route is all concrete and bitumen.</p> <p>No evidence of spills on public roads.</p>	Compliant									

Approval ID	Requirement	Evidence Collected	Independent Audit Findings and Recommendations	Compliance Status
MP06_0050 Schedule 3 Condition 23	<p>The Proponent shall ensure that:</p> <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>	<p>Site inspection.</p> <p>Operational Environmental Management Plan (OEMP) (116C004 v8.2 dated 21 January 2023) Table 7.</p>	<p>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.</p>	Compliant
MP06_0050 Schedule 3 Condition 24	<p>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.</p>	<p>Site Inspection.</p> <p>Operational Environmental Management Plan (OEMP) (116C004 v8.2 dated 21 January 2023).</p>	<p>Minimal waste is generated and this is managed via the TAC Waste Management System. SPL waste is incorporated back into the process.</p>	Compliant
MP06_0050 Schedule 3 Condition 25	<p>The Proponent shall ensure that the lighting associated with the project: complies with the latest version of Australian Standard AS 4282(INT)- Control of Obtrusive Effects of Outdoor Lighting; and is mounted, screened and directed in such a manner that it does not create a nuisance to surrounding properties or the public road network.</p>	<p>Site inspection.</p>	<p>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.</p>	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> <p>i.) the relevant statutory requirements (including any relevant approval, licence or lease conditions);</p> <p>ii.) any relevant limits or performance measures and criteria; and</p> <p>iii.) the specific performance indicators that are proposed to be used to judge the performance of, or guide the implementation of, the development or any management measures;</p> <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> <p>i.) impacts and environmental performance of the development; and</p> <p>ii.) effectiveness of the management measures set out pursuant to paragraph (b) above;</p> <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> <p>i.) incident and any non-compliance (specifically including any exceedance of the impact assessment criteria and performance criteria);</p> <p>ii.) complaint;</p> <p>iii.) failure to comply with statutory requirements; and</p> <p>g) a protocol for periodic review of the plan.</p>	<p>Independent Audit Report, 2023.</p> <p>Operational Environmental Management Plan (OEMP) (116C004 v8.2 dated 21 January 2023).</p> <p>SPL Processing Facility Capacity Increase Construction Environmental Management Plan (CEMP) (246C003 v1.3 dated 10 December 2019). (Independent Audit Report, 2020).</p> <p>Tomago Aluminium SPL Processing Facility Stormwater Management Plan (116C011 v2.2 – 20 October 2019). (Independent Audit Report, 2020).</p> <p>Air Quality Management Plan Capacity Increase at the Regain Spent Potlining Facility, Tomago. AECOM Report (60512726) dated 10 June 2020. (Independent Audit Report, 2020).</p>	<p>Management plans required under this approval address all items listed a) to g).</p> <p>All management plans have been approved by the Department Planning, Industry &amp; Environment.</p> <p>Note: no construction activities occurred during the current audit period.</p> <p>Note management plans required under the approval were reviewed previously, with no changes made since the Independent Audit Report, 2023.</p>	Compliant

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

Approval ID	Requirement	Evidence Collected	Independent Audit Findings and Recommendations	Compliance Status
		<p>Report, 2020).</p> <p>Operational Environmental Management Plan (OEMP) (116C004 v8.2 dated 21 January 2023). (Independent Audit Report, 2023).</p> <p>Letter dated 14/7/2020 from the Department of Planning, Industry &amp; Environment confirming that the Operational Environmental Management Plan is approved. (Independent Audit Report, 2020).</p>	<p>Environment confirming compliance with Condition 26C on 14/7/20. Requirements of this condition were addressed during the previous audit period. Minor updates have occurred to reflect improvements in controls and minor wording changes. These were reviewed during the Independent Audit, 2023.</p>	
MOD 2 Schedule 4 Condition 26D	<p>As part of the OEMP required under Condition 26C. of this approval, the Proponent must include the following:</p> <p>a) describe the role, responsibility, authority and accountability of all key personnel involved in the environmental management of the Project;</p> <p>b) describe the procedures that would be implemented to:</p> <p>i.) keep the local community and relevant agencies informed about the operation and environmental performance of the Project;</p> <p>ii.) receive, handle, respond to, and record complaints;</p> <p>iii.) resolve any disputes that may arise;</p> <p>iv.) respond to any non-compliance;</p> <p>v.) respond to emergencies; and</p> <p>c) include the following environmental management plans:</p> <p>(i) Air Quality Management Plan (see Condition 18A).</p>	<p>Operational Environmental Management Plan (OEMP) (116C004 v8.1 dated 12 June 2020). (Independent Audit Report, 2020).</p> <p>Letter dated 14/7/2020 from the Department of Planning, Industry &amp; Environment confirming that the Operational Environmental Management Plan is approved. (Independent Audit Report, 2020).</p> <p>Operational Environmental Management Plan (OEMP) v 8.2 dated 23 January 2023. (Independent Audit Report, 2023).</p>	<p>The Operational Environmental Management Plan has been approved by the Department of Planning, Industry &amp; Environment confirming compliance with Condition 26C on 14/7/20.</p> <p>Reviewed and updated to version 8.2 dated 23 January 2023. The OEMP continues to comply with this condition, following the review.</p> <p>The Air Quality Management Plan was Attachment 4 to the OEMP.</p> <p>Requirements of this condition</p>	Compliant

Approval ID	Requirement	Evidence Collected	Independent Audit Findings and Recommendations	Compliance Status
			were addressed during previous audit period(s).	
MOD 2 Schedule 4 Condition 26E	<p>The Proponent must:</p> <ul 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> </ul>	<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>	<p>The OEMP was approved by the Department of Planning, Industry &amp; Environment on 14/7/20. Operations commenced 2 April 2024. Operations are conducted in accordance with the approved OEMP.</p>	Compliant
MOD 2 Schedule 4 Condition 26F	<p>Within three months of:</p> <ul 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> </ul>	<p>Tomago SPL Processing Facility Capacity Expansion Pre-Operational Compliance Report dated 28/3/2024.</p> <p>Email dated 29 September 2023 – submission of Independent Audit Report.</p>	<ul style="list-style-type: none"> <li>a) A Pre-Operational Compliance Report was submitted 28/3/24.</li> <li>b) An incident report under Condition 27 has not been submitted as there have been no incidents during the audit reporting period.</li> <li>c) An Independent Audit to address Condition 29 was conducted (report dated 29 September 2023). This audit report was submitted to the Department of Planning and Environment on 29 September 2023.</li> <li>d) No modification of the conditions of this approval has occurred.</li> </ul>	Nil action required

Approval ID	Requirement	Evidence Collected	Independent Audit Findings and Recommendations	Compliance Status
			e)There has been no direction issued from the Planning Secretary under Condition 26 which requires a review.	
MOD 2 Schedule 4 Condition 26G	<p>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.</p> <p><i>NOTE: This is to ensure strategies, plans and programs are updated on a regular basis and to incorporate any recommended measures to improve the environmental performance of the Project.</i></p>	<p>Post Approval Notification Report Receipt 13/6/24</p> <p>Management Review Close Out Meeting Agenda 4/1/24</p> <p>Interview NSW Regional Manager</p>	<p>A notification of review of the strategies, plans and programs required by the approval was advised via letter to the Department 13/6/24 - within 3 months of the lodgement of the compliance report.</p> <p>A Management Review of the Regain Management System was undertaken in December 2023 and it was decided that no changes to the management plans were currently necessary due to the project being at that time still in commissioning phase.</p> <p>Discussion with the NSW Regional Manager confirmed that there was recognition that minor updates are required to reflect administrative changes and these would be made following the 2024 Independent Environmental Audit that was required following commencement of operations.</p> <p>This intent is reflected in the notification made to the Department 13/6/24 advising the</p>	Compliant

Approval ID	Requirement	Evidence Collected	Independent Audit Findings and Recommendations	Compliance Status
			<p>planned review of management plans.</p> <p>The Independent Environmental Audit Report 2023 made no recommendations relating to review of the management plans and strategies. Operations had not commenced at the time of the 2023 audit. The site was in an extended commissioning phase. A review of the OEMP at that time was not required.</p>	
MOD 2 Schedule 4 Condition 26H	If necessary to either improve the environmental performance of the Project, cater for a modification or comply with a direction, the strategies, plans and programs required under this approval must be revised, to the satisfaction of the Planning Secretary. Where revisions are required, the revised document must be submitted to the Planning Secretary for approval within six weeks of the review.	Interview NSW Regional Manager  Annual return 2023.	No revisions of the strategies, plans and program required under this approval have been necessary within the current audit period. Compliance with environmental requirements has been demonstrated. No directions have been provided by the Planning Secretary.	Not Triggered
MOD 2 Schedule 4 Condition 27	The Department must be notified in writing to <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 NSW Regional Manager  Annual returns 2023.	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 NSW Regional Manager  Annual returns 2023.	No non-compliances have been identified.	Not Triggered

Approval ID	Requirement	Evidence Collected	Independent Audit Findings and Recommendations	Compliance Status
MOD 2 Schedule 4 Condition 28A	A non-compliance notification must identify the Project and the application number for it, set out the condition of approval that the Project is non-compliant with, the way in which it does not comply and the reasons for the non-compliance (if known) and what actions have been, or will be, undertaken to address the non-compliance.	Interview NSW Regional Manager  Annual returns 2023.	No non-compliances have been identified.	Not Triggered
MOD 2 Schedule 4 Condition 28B	A non-compliance which has been notified as an incident does not need to also be notified as a noncompliance.	Interview NSW Regional Manager  Annual returns 2023.	No non-compliances have been identified.	Not Triggered
MOD 2 Schedule 4 Condition 28C	No later than six weeks before the date notified for the commencement of operations as described in Mod 2 a Compliance Monitoring and Reporting Program prepared in accordance with the Compliance Reporting Post Approval Requirements (Department 2018) must be submitted to the Department.	Email to Department on 7/5/20 attaching the Compliance Monitoring and Reporting Program. (Independent Audit Report, 2020).	Requirements of this condition addressed during the previous audit period.  Compliance Monitoring and Reporting Program has been prepared in accordance with the Compliance Reporting Post Approval Requirements (Department 2020) was submitted via email 7/5/20.  Commencement of operations occurred 2/4/2024.	Compliant
MOD 2 Schedule 4 Condition 28D	Compliance Reports of the Project must be carried out in accordance with the Compliance Reporting Post Approval Requirements (Department 2018).	Letter to Department 2/5/24 advising Pre-Operations Compliance Report lodged on 30/3/24 will be made publicly available after 7 days of the letter.  Compliance Reporting Post Approval Requirements (Department 2018). Compliance Reporting Post Approval Requirements (Department 2020).	Compliance Reports are required for operations. A pre-operations compliance report was prepared (28/3/24) and submitted (30/3/24) to address Compliance Reporting Post Approval Requirements (Department 2018). It is noted that the current version of the Department document is 2020, which does not require a pre-operations	Compliant

Approval ID	Requirement	Evidence Collected	Independent Audit Findings and Recommendations	Compliance Status
			compliance report.	
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 2018). Compliance Reporting Post Approval Requirements (Department 2020). Pre-operations compliance report available on Regain website. <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>	Compliance Reports are required for operations. A pre-operations compliance report was prepared (28/3/24) and submitted (30/3/24) to address the 2018 Post Approval Requirements. This was made publicly available within the specified reporting period.	Compliant
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. (Independent Audit Report, 2020).  Letter dated 8/7/2020 from the Department of Planning, Industry & Environment. (Independent Audit Report, 2020).	Requirements of this condition addressed during the previous audit period.  An Independent Audit Program has been prepared in accordance with the Independent Audit Post Approval Requirements (Department 2020) and submitted to the Department on 12/6/20. Letter dated 8/7/2020 from the Department of Planning, Industry & Environment confirming that the Independent Audits are to be undertaken in accordance with the	Not Triggered



Approval ID	Requirement	Evidence Collected	Independent Audit Findings and Recommendations	Compliance Status
			Independent Audit Post Approval Requirements (Department 2020).	
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)."	Independent Audit Program 246G003 v1.1 dated 11 June 2020. (Independent Audit, 2020; 2023) Department letter dated 29/5/24 that an Independent Audit is to be conducted in accordance with Independent Audit Post Approval Requirements 2020.  Current Audit Report.  Independent Audit Post Approval Requirements (Department 2020).	The current audit is in accordance with the Independent Audit Program submitted on 12/6/20 and approved by the Department on 8/7/20. This letter endorsed the proposed audit program that audits are to be conducted at intervals no greater than 3 years. Additionally, the Independent Audit Post Approval Requirements specifies in Table 1 – Audit Frequency that an audit must be conducted within 26 weeks of commencement of operations. Commencement of operations was reported as 2 April 2024.  Letter dated 29/5/24 from the Department confirms that the audits shall be conducted in accordance with the 2020 version of the Department's Independent Audit Post Approval Requirements.  Audit report prepared in accordance with the Independent Audit Post Approval Requirements 2020.	Compliant

Approval ID	Requirement	Evidence Collected	Independent Audit Findings and Recommendations	Compliance Status
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>	<p><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>Independent Environmental Audit Report Regain Service Pty Ltd MP 06_0050 MOD 2 29 September 2023 – available on Regain website Tomago SPL Processing Facility Capacity Expansion Independent Audit Report Proponent Response to Audit Findings 29 September 2023 available on Regain website</p> <p>Email to Department 12 October 2023 advising intent to upload the 2023 Independent Environmental Audit Report and response. Email from Department 16 January 2024 acknowledging compliance with these post approval notification requirements.</p> <p>Independent Environmental Audit Report Regain Service Pty Ltd MP 06_0050 MOD 2 28 August 2020 – available on Regain website</p> <p>Tomago SPL Processing</p>	<p>Independent audit reports and responses are available on the Regain website.</p> <p>The audit report and response are available within 60 days after submission to the department. Appropriate notification to the Department in writing within 7 days occurred.</p>	Compliant

Approval ID	Requirement	Evidence Collected	Independent Audit Findings and Recommendations	Compliance Status
		Facility Capacity Expansion Independent Audit Report Proponent Response to Audit Findings 15 September 2020 available on Regain website		
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
MOD 2 Schedule 4 Condition 33	At least 48 hours before the commencement of construction until the completion of all works under this approval, the Proponent must: a) make the following information and documents (as they are obtained or approved) publicly available on its website: i.) the documents referred to in Schedule 2 Condition 2 of this approval; ii.) all current statutory approvals for the Project; iii.) (all approved strategies, plans and programs required under the conditions of this approval; iv.) the proposed staging plans for the Project if the construction, operation or decommissioning of the Project is to be staged; v.) regular reporting on the environmental performance of the Project in accordance with the reporting requirements in any plans or programs approved under the conditions of this approval; vi.) a comprehensive summary of the monitoring results of the Project, reported in accordance with the	Regain website viewed 30/7/20 (Independent Audit Report, 2020). <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>  Compliance Reporting Post Approval Requirements (Department, May 2020)	A review of the Regain website noted: <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> addressing part i). Statutory approvals including the Project Approval and Modification and construction certificate – addressing part ii).  The Construction Environment Management Plan, Operational Environmental Management Plan, Hazard and Operability Study and Construction Safety	Compliant

Approval ID	Requirement	Evidence Collected	Independent Audit Findings and Recommendations	Compliance Status
	<p>specifications in any conditions of this approval, or any approved plans and programs;</p> <p>vii.) a summary of the current stage and progress of the Project;</p> <p>viii.) contact details to enquire about the Project or to make a complaint;</p> <p>ix.) a complaints register, updated monthly;</p> <p>x.) the Compliance Report of the Project;</p> <p>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;</p> <p>xii.) any other matter required by the Planning Secretary; and</p> <p>b) keep such information up to date, to the satisfaction of the Planning Secretary.</p>		<p>Study – addressing part iii).</p> <p>The staging plan is addressed in the CEMP and notes that stage 2 will commence following development of the market (timing and scheduling section) – addressing part iv).</p> <p>Emissions data is displayed from March 2012 – May 2024 (last biannual emission testing) – addressing parts v) and vi).</p> <p>Capacity Expansion Program detailing the current state and progress of the Project – addressing part vii).</p> <p>Contact details are provided for the Regain Regional Manger to enquire about the Project or make a complaint, addressing viii).</p> <p>Complaints Register reporting monthly complaints from March 2020 – July 2024, 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</p>	

Approval ID	Requirement	Evidence Collected	Independent Audit Findings and Recommendations	Compliance Status
			<p>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>Pre-operational Compliance Report 24 March 2024</p> <p>Independent Audit Report, 2020 and 2023 are available, addressing part xi.</p> <p>No other matter has been communicated by the Planning Secretary therefore part xii) is not currently applicable.</p>	
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 NSW Regional Manager  Annual report 2023.	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	Interview NSW Regional Manager  Annual report 2023.	No incidents have occurred.	Not Triggered

Approval ID	Requirement	Evidence Collected	Independent Audit Findings and Recommendations	Compliance Status
	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.			
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 NSW Regional Manager  Annual report 2023.	No incidents have occurred.	Not Triggered
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 NSW Regional Manager.  Annual reports 2023.	No incidents have occurred.	Not Triggered
<b>Environmentally Hazardous Chemicals Act 1985 Licence #1630208 dated 7 July 2023</b>				
EHCL 1630208 Item 1.1	The licensee is permitted to keep and/or process aluminium smelter waste containing fluoride and/or cyanide on the Premises, subject to the conditions of the Licence.	Site Inspection	Aluminium smelter waste stored and processed in accordance with the conditions of the Licence.	Compliant
EHCL 1630208 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

Approval ID	Requirement	Evidence Collected	Independent Audit Findings and Recommendations	Compliance Status
EHCL 1630208 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 1630208 Item 2.2	Aluminium smelter waste containing fluoride and/or cyanide must be kept on the Premises in such a manner that no leachate nor wind borne material can escape from the Premises.	Site Inspection  OEMP Table 7	Aluminium smelter waste stored in contained shed. No evidence of wind-borne material escaping from the premises, nor any potential for leachate escaping from site.	Compliant
EHCL 1630208 Item 2.3	The storage site for the aluminium smelter waste at the Premises must be maintained in a proper and efficient condition.	Site Inspection  OEMP Table 7	Storage sheds in proper and efficient condition, as described above.	Compliant
EHCL 1630208 Item 2.4	The Premises must be provided with physical security to prevent unauthorised access to the aluminium smelter waste containing leachable fluoride and/or leachable cyanide.	Site Inspection	Regain site is fully contained within the TAC site. TAC site is fully fenced with security gates at each entrance.	Compliant
EHCL 1630208 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 NSW 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 1630208 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 1630208 Item 3.3	Aluminium smelter waste must be stored and processed under cover.	Site inspection  OEMP Table 7	Aluminium smelter waste is stored in fully contained sheds and processed under cover.	Compliant

Approval ID	Requirement	Evidence Collected	Independent Audit Findings and Recommendations	Compliance Status
EHCL 1630208 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 NSW Regional Manager	No aluminium smelter waste is transported off site.	Compliant
EHCL 1630208 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 #1630208  Annual Report – July 2023 for period 11 July 2022 to 10 July 2023 (116C070 v1.0 – 25 August 2023)	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
EHCL 1630208 Item 4.3	Products manufactured from aluminium smelter wastes must not be conveyed from the Premises for the purpose of disposal.	Interview	No disposal occurs.	Compliant
EHCL 1630208 Item 4.4	The Licensee must not permit products manufactured from aluminium smelter wastes to be stored in accumulated deposits, to be dumped or abandoned or otherwise dealt with as chemical waste.	Interview  Site Inspection  Annual Report – July 2023 for period 11 July 2022 to 10 July 2023 (116C070 v1.0 – 25 August 2023)	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 1630208 Item 4.5	The Licensee must accept any product returned to it for any reason by a recipient.	Interview Operations Manager	Return of product has not occurred.	Not Triggered
EHCL 1630208 Item 5.1 and item 5.2	The Licensee must ensure that persons conveying and/or handling aluminium smelter wastes are trained in methods to appropriately deal with, and contain, spills or incidents. This includes the provisions of appropriate personal protective equipment, clean up material and equipment to deal with any spill.	Operational Environmental Management Plan (OEMP) (116C004 v8.2 dated 21 January 2023).	TAC Induction and Regain Induction. These inductions include spills and incident management.	Compliant



Approval ID	Requirement	Evidence Collected	Independent Audit Findings and Recommendations	Compliance Status
EHCL 1630208 Item 5.3	In the event of a spill or incident, the Licensee must take all the necessary and appropriate actions to ensure the spill or incident is contained and managed in an appropriate manner that minimises harm or potential harm to the environment or persons.	Interview Operations Manager  Site inspection  Annual Report – July 2023 for period 11 July 2022 to 10 July 2023 (116C070 v1.0 – 25 August 2023)	No spills or incidents have occurred. No evidence of spills occurring on site.	Not Triggered
EHCL 1630208 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 Operations Manager  Annual Report – July 2023 for period 11 July 2022 to 10 July 2023 (116C070 v1.0 – 25 August 2023)	No contamination or pollution or Premises or adjacent premises or waters has occurred. No spill or incidents have occurred.	Not Triggered
EHCL 1630208 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 Operations Manager  Annual Report – July 2023 for period 11 July 2022 to 10 July 2023 (116C070 v1.0 – 25 August 2023)	No incidents have occurred.	Not Triggered
EHCL 1630208 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.	Environmentally Hazardous Chemicals Licence #1630208.  Annual Report – July 2023 for period 11 July 2022 to 10 July 2023 (116C070 v1.0 – 25 August 2023)	Environmentally Hazardous Chemicals Licence #1630208 has the anniversary date 10 July. Annual reports containing required details listed in Item 7.1 a. – l. have been submitted to the EPA within 60 days of the anniversary date.	Compliant

Approval ID	Requirement	Evidence Collected	Independent Audit Findings and Recommendations	Compliance Status
	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. 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 1630208 Item 7.2	The Annual Report must be emailed to <a href="mailto:info@epa.nsw.gov.au">info@epa.nsw.gov.au</a>	Annual returns EPA sent via email <a href="mailto:hunter.region@epa.nsw.gov.au">hunter.region@epa.nsw.gov.au</a> , as required. Portal.	Annual reports are sent as required by Item 7.2.	Compliant
<b>Statement of Commitments</b>				
General	1. The Proponent would implement all practicable measures to prevent or minimise harm to the environment that may result from the construction or operation of the Project. 2. The Proponent would implement all practicable measures to prevent or minimise harm to the environment that may result from the construction or operation of the Project. 3. The Proponent would prepare and implement a Construction Environmental Management Plan (CEMP)	Independent Audit Reports 2020, 2023 OEMP Site Inspection (photos) Interviews Operations Manager, NSW Regional Manager Monitoring records, as included in this audit checklist Annual Report 2023	OEMP address items specified. Note: no construction activities during current audit period.  Compliance with EPL's #13269 and #20976 is reported in this audit checklist.  Compliance with Project Approval 06_0050 MOD 2 is	Compliant

Approval ID	Requirement	Evidence Collected	Independent Audit Findings and Recommendations	Compliance Status
	<p>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.</p> <p>4. The Proponent would update a current EMP prepared for the existing site activities.</p> <p>5. The Proponent would operate the facility in accordance with existing EPA pollution control approvals for existing operations at the Tomago smelter.</p> <p>6. The Proponent would operate the facility in accordance with existing EPA Environmental Protection Licences (EPLs) issued for existing operations of the smelter.</p> <p>7. The Proponent would ensure regular inspection, monitoring and auditing is undertaken to maintain effective environmental management and to highlight non-compliance of standards, conditions or licence requirements.</p> <p>8. The Proponent would ensure routine monitoring of air quality, groundwater and surface water is undertaken. Groundwater and surface water monitoring is undertaken in conjunction with the TAC smelter existing monitoring program where appropriate.</p>	<p>Inspection reports 2023 Audit reports</p>	<p>reported in this audit checklist.</p> <p>Monitoring is reported in this audit checklist and consists of external air emission monitoring, monitoring requirements as conducted by TAC personnel, inspections and audits as previously detailed in this audit checklist.</p> <p>Inspections and audits are routinely conducted (at least quarterly). Reports reviewed as part of this current audit.</p>	
Air Quality	<p>1. The Proponent would implement dust mitigation strategies throughout the facility including: - Enclosure of external plant; - Construction of sealed processing and product storage facilities; - Installation of dust extraction systems throughout the processing plant and connected to dust generating activities; and - Installation of visual and audible alarm systems to minimise potential for dust generation in the event of plant / system breakdown or failure.</p> <p>2. The Proponent would ensure residual emissions would be directed to the atmosphere via stacks, as indicated by the proposal.</p> <p>3. The Proponent would implement dust mitigation strategies as part of the CEMP which will include: -</p>	<p>OEMP Site Inspection Interviews Monitoring reports Annual reports Annual Report Supplement Batch sample report NATA certificates Housekeeping inspection records</p>	<p>Dust mitigation strategies and emission controls were observed during the site inspection. No evidence of excessive dust.</p> <p>SCADA temperature screen sighted from EPL 13269 Rotary Kiln Operating Temperature. Annual Report Supplement EPL13269 Rotary Kiln Temperatures – Monitoring Point 4 5 November 2022 to 4 November 2023 confirm compliance with the requirement</p>	Compliant

Approval ID	Requirement	Evidence Collected	Independent Audit Findings and Recommendations	Compliance Status
	<p>Stabilisation of disturbed surfaces during construction; - Removal of excessive soil on construction vehicle tyres; and - Spraying of stockpiled earths / fine construction material during high winds to reduce potential for dust.</p> <p>4. The Proponent would maintain processing plant and Shed 5 under negative pressure, treated products would be maintained in a moist condition, to mitigate fugitive emissions.</p> <p>5. The Proponent would control SPL processing stages to destroy cyanide and hazardous gases.</p> <p>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>relating to kiln temperature showing less than 850°C. Kiln temperature controls were described and sighted.</p> <p>The process destroys cyanide and hazardous gas. It involves crushing and thermal treatment of SPL. Batches are created (every 500t) and each batch is tested including chemical composition, cyanide levels and inert gases. Batches are then blended and then released as a product. Product batch control sheets were reviewed BT3148 23/7/24. Analysis conducted in NATA certified laboratory #626. Certificates of analysis sighted e.g. 5/8/24. Housekeeping inspection checklists sighted e.g. 13/8/24.</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:</p>	<p>Independent Audit Reports 2020, 2023 OEMP Site inspection Annual Reports Supplements</p>	<p>SMS approved by Department, as described previously in this audit checklist, and reviewed during previous independent audits.</p> <p>Kiln temperature monitoring observed via 2023 Annual Report Supplements showing monthly screenshots.</p> <p>Maintenance Work order showing e.g. (17/7/23).</p> <p>Blast panels observed.</p> <p>Bunded site.</p>	Compliant

Approval ID	Requirement	Evidence Collected	Independent Audit Findings and Recommendations	Compliance Status
	<p>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 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.</p>			
Human Health	<p>1. The environmental controls as listed in Section 2.4 of this EA would be implemented.</p>	<p>Independent Audit Reports 2020, 2023 Environmental Assessment Site Inspection OEMP</p>	<p>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.</p>	Compliant
Traffic and Transport	<p>1. Operate in accordance with the Road Transport Act 2013.</p> <p>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.</p> <p>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.</p>	<p>Interviews Operations Manager, NSW Regional Manager Site inspection Independent Audits 2020, 2023</p>	<p>Construction requirements reviewed during the previous audit and found to address the traffic and transport requirements. No construction activities occurred during the current audit period. Review of internal audit reports and site inspections during construction confirm compliance</p>	Compliant

Approval ID	Requirement	Evidence Collected	Independent Audit Findings and Recommendations	Compliance Status
	<p>4. Construction traffic would only traverse those public roads as outlined in the EA, which are public roads that are suitable for heavy vehicles.</p> <p>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: - Site access procedures including the proposed haulage route would be communicated to site personnel and heavy vehicle operators. Trucks would ensure loads are appropriately covered and sealed to protect transported material from wind and rain.</p>		with traffic and transport requirements. (Independent Audit Report, 2020).	
Noise and Vibration	<p>1. The Proponent would implement noise mitigation strategies to achieve the following: - Operational noise levels are maintained at 10 dB(A) below the existing Leq noise level of the smelter; and - The L1 (1 min) level of any specific noise source would not exceed the background noise level (L90) by more than 15 dB(A) when measured outside the bedroom window of the nearest residential receiver (in accordance with DECC's Environmental Noise Control Manual).</p> <p>2. The Proponent would implement noise mitigation strategies in the CEMP, including but not limited to the following: - Unless otherwise agreed by DECC, construction activity, likely to impact on sensitive receivers, would only occur during the period: 7.00am to 6.00pm Monday to Friday; 8.00am to 1.00pm Saturday; and no work on Sundays or public holidays. 3. Construction noise shall not exceed 5 dB above background levels (as prescribed by EPA Environmental Noise Control Manual criteria).</p>	Interview Operations Manager, NSW Regional Manager Independent audits 2020, 2023 OEMP Complaints Register	No noise complaints have been received. Construction timings were restricted to those specified in this commitment. Construction requirements reviewed during the previous audit and found to address the traffic and transport requirements. No construction activities occurred during the current audit period. (Independent Audit Report, 2020).	Compliant
Waste	1. All construction waste would be classified in accordance with the Waste Classification Guidelines (EPA, 2014) prior to disposal and transported to an appropriately licensed waste disposal facility.	Independent audits 2020, 2023 OEMP Site inspection Annual report 2023	Construction requirements reviewed during the previous audit and found to address the traffic and transport	Compliant

Approval ID	Requirement	Evidence Collected	Independent Audit Findings and Recommendations	Compliance Status
	<ol style="list-style-type: none"> <li>2. The site EMP would be reviewed and updated following approval of the Project as modified, if necessary.</li> <li>3. 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>4. The EHC Licence (#1630208) would be reviewed following approval of the Project and if required a variation sought to maintain consistency.</li> <li>5. SPL material would be maintained under cover within Shed 5 prior to processing.</li> <li>6. Exposed treated product would be maintained in a moist condition to prevent dust rising. Treated product would be stockpiled within Shed 6.</li> </ol>		<p>requirements. No construction activities occurred during the current audit period. (Independent Audit Report, 2020).</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 #1630208 dated July 2023.</p> <p>SPL material is covered in Shed 5 waiting for processing.</p> <p>Shed 6 stores treated product, which is maintained in a moist condition.</p>	
Water and Soil	<ol style="list-style-type: none"> <li>1. The Stormwater Management Plan would be reviewed and updated to accompany the modified Project.</li> <li>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.</li> <li>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.</li> <li>4. The Proponent shall ensure there is no outside truck loading in the SPL facility during rain periods.</li> </ol>	<p>Site Inspection Stormwater Management Plan OEMP Interview Operations Manager, NSW Regional Manager Independent audits 2020, 2023 Project HSE CEMP audit report 24/6/20 Trucks loading under cover. Truck loading does not occur in the rain. CEMP reviewed in previous</p>	<p>Stormwater management plan approved – details reported in previous audits. Stormwater management occurs on site in accordance with the Stormwater Management Plan. Site is hard standing and bunded. Stormwater interceptor is well maintained. No evidence of sediment or discharge on site. CEMP reviewed in previous audits.</p>	Compliant



Approval ID	Requirement	Evidence Collected	Independent Audit Findings and Recommendations	Compliance Status
	5. 5. The Proponent shall implement ground water and surface water quality management strategies in the CEMP.	audits.	No construction activities occurred during the current audit period.	
<b>Environmental Protection Licence #13269 dated 6 September 2023</b>				
1 A1 A1.1	<p><b>ADMINISTRATIVE CONDITIONS</b></p> <p><b>What the licence authorises and regulates</b></p> <p>This licence authorises the carrying out of the scheduled activities listed below at the premises specified in A2. The activities are listed according to their scheduled activity classification, fee-based activity classification and the scale of the operation.</p> <p>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.</p> <p>Resource Recovery - Recovery of hazardous and other waste – Any hazardous and other waste recovered.</p> <p>Waste Storage - Waste storage - hazardous, restricted solid, liquid, clinical and related waste and asbestos waste – Any listed waste type stored</p>	Site Inspection	<p>Regain Services conducts scheduled activities of resource recovery and waste storage at the premises specified in Condition A2.1.</p> <p>Transport of trackable waste is managed via EPL #20976.</p> <p>Site inspection and review of documentation confirmed no other scheduled activities are undertaken.</p>	Compliant
A2 A2.1	<p><b>Premises or plant to which this licence applies</b></p> <p>The licence applies to the following premises: Regain Site, Located within the Tomago Aluminium Site, Tomago Road, Tomago NSW 2322.</p>	Site inspection	The activities are conducted completely within the Tomago Aluminium Site on Tomago Road, Tomago in a designated area.	Compliant
A3 A3.1	<p><b>Information supplied to the EPA</b></p> <p>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.</p>	Evidence recorded in this audit checklist.	Audit confirmed compliance with EPL#13269.	Compliant
2 P1	<p><b>DISCHARGES TO AIR AND WATER AND APPLICATIONS TO LAND</b></p> <p><b>Location of monitoring/discharge points and areas</b></p>	<p>Interview</p> <p>Site Inspection</p> <p>Monitoring reports – see</p>	Monitoring points 2 and 3 have not yet been commissioned.	Compliant



Approval ID	Requirement	Evidence Collected	Independent Audit Findings and Recommendations	Compliance Status																												
P1.1	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.	below.																														
	<table border="1"> <thead> <tr> <th data-bbox="394 400 517 472">EPA identification no.</th> <th data-bbox="517 400 846 472">Type of Monitoring Point</th> <th data-bbox="846 400 1144 472">Type of Discharge Point</th> <th data-bbox="1144 400 2000 472">Location Description</th> </tr> </thead> <tbody> <tr> <td data-bbox="394 472 517 655">1</td> <td data-bbox="517 472 846 655">Discharge to air Air emissions monitoring</td> <td data-bbox="846 472 1144 655">Discharge to air Air emissions monitoring</td> <td data-bbox="1144 472 2000 655">"Rotary Kiln Discharge Stack" marked and shown on the Plan.</td> </tr> <tr> <td data-bbox="394 655 517 807">2</td> <td data-bbox="517 655 846 807">Discharge to air Air emissions monitoring</td> <td data-bbox="846 655 1144 807">Discharge to air Air emissions monitoring</td> <td data-bbox="1144 655 2000 807">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.</td> </tr> <tr> <td data-bbox="394 807 517 935">3</td> <td data-bbox="517 807 846 935">Discharge to air Air emissions monitoring</td> <td data-bbox="846 807 1144 935">Discharge to air Air emissions monitoring</td> <td data-bbox="1144 807 2000 935">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.</td> </tr> <tr> <td data-bbox="394 935 517 1142">4</td> <td data-bbox="517 935 846 1142">Temperature Monitoring</td> <td data-bbox="846 935 1144 1142"></td> <td data-bbox="1144 935 2000 1142">Rotary Kiln Temperature Control marked and shown on the Plan.</td> </tr> <tr> <td data-bbox="394 1142 517 1270">5</td> <td data-bbox="517 1142 846 1270">Meteorological monitoring</td> <td data-bbox="846 1142 1144 1270"></td> <td data-bbox="1144 1142 2000 1270">Either the Tomago Aluminium weather monitoring station or a weather station on the Regain premises as described in condition A2.1</td> </tr> <tr> <td data-bbox="394 1270 517 1388">6</td> <td data-bbox="517 1270 846 1388">Discharge to air Air emissions monitoring</td> <td data-bbox="846 1270 1144 1388">Discharge to air Air emissions monitoring</td> <td data-bbox="1144 1270 2000 1388">Rotary Kiln Discharge Stack marked and shown on the Plan.</td> </tr> </tbody> </table>	EPA identification no.	Type of Monitoring Point	Type of Discharge Point	Location Description	1	Discharge to air Air emissions monitoring	Discharge to air Air emissions monitoring	"Rotary Kiln Discharge Stack" marked and shown on the Plan.	2	Discharge to air Air emissions monitoring	Discharge to air Air emissions monitoring	Spent Pot Lining (SPL) Drying and Blending Plant dust collector stack - location to be advised and an updated premises plan provided to the EPA when commissioned.	3	Discharge to air Air emissions monitoring	Discharge to air Air emissions monitoring	Spent Pot Lining (SPL) Drying and Blending Plant Dust Collector 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	6	Discharge to air Air emissions monitoring	Discharge to air Air emissions monitoring	Rotary Kiln Discharge Stack marked and shown on the Plan.			
EPA identification no.	Type of Monitoring Point	Type of Discharge Point	Location Description																													
1	Discharge to air Air emissions monitoring	Discharge to air Air emissions monitoring	"Rotary Kiln Discharge Stack" marked and shown on the Plan.																													
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4	Temperature Monitoring		Rotary Kiln Temperature Control marked and shown on the Plan.																													
5	Meteorological monitoring		Either the Tomago Aluminium weather monitoring station or a weather station on the Regain premises as described in condition A2.1																													
6	Discharge to air Air emissions monitoring	Discharge to air Air emissions monitoring	Rotary Kiln Discharge Stack marked and shown on the Plan.																													

Approval ID	Requirement	Evidence Collected	Independent Audit Findings and Recommendations	Compliance Status
7	Discharge to air Air emissions monitoring	Discharge to air Air emissions monitoring	New Fine Grinding Mill Stack location to be advised add an updated premises plan provided to the EPA when commissioned	
8	Temperature Monitoring		Rotary Kiln 2 Temperature Control marked and shown on the Plan.	
P1.2	For the purpose of the table(s) above, "the Plan" refers to the plan titled "Regain Site, Plan Showing Lease Boundary Within Tomago Aluminium Plant", prepared by Hunter Survey Services Pty Ltd, Revision 3, dated 24/1/2020 (EPA reference DOC20/898-9).	Interview Site Inspection Annual Reports Monitoring reports – see below.	Construction completed in accordance with the approved plan.	Compliant
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 reported in this audit checklist	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 table/s below (by a point number), the concentration of a pollutant discharged at that point, or applied to that area, must not exceed the concentration limits specified for that pollutant in the table.	Regain Environmental Pollution Monitoring Data. <a href="#">Tomago Emissions Monitoring Data   Regain Materials</a>  Port Hunter Environmental Regain Tomago – Biannual Emissions Testing Report November 2023 dated 21 February 2024 Port Hunter Environmental Regain Tomago – Biannual Emissions Testing Report May 2024 dated 27 June 2024	Results were reviewed from Regain Environmental Pollution Monitoring Data. These are collated from the Port Hunter Environmental biannual reports (e.g. reviewed report for May 2024 and November 2023). In all cases the measured emission concentrations reported for all parameters listed for Point 1 were within the concentration limits specified.	Compliant

Approval ID	Requirement	Evidence Collected	Independent Audit Findings and Recommendations	Compliance Status
			<p>It is noted that all Environmental monitoring data is measured, as required by the EPL. This data is displayed on the Environmental Pollution Monitoring – Obtained Data document available on the Regain Tomago Expansion website.</p> <p><a href="http://www.regainmaterials.com/about/regain-operations/tomago/tomago-emissions-monitoring-data">http://www.regainmaterials.com/about/regain-operations/tomago/tomago-emissions-monitoring-data</a></p> <p>Temperature data is recorded and is well below the upper limit of 850°C.</p>	
L2.2	Air Concentration Limits are specified in tables – refer to EPL document.	No action required – see L2.2	There is no action required by Regain Services. Condition specifies limits. Compliance with these limits is reported in L2.1.	Note only
L2.3	The limit for polycyclic aromatic hydrocarbons (PAH) in the table(s) above are applied as benzo(a)pyrene (BaP) equivalent.	Noted	Noted	Note only
L2.4	For the purpose of the table(s) above, TBC means that the oxygen correction for the pollutants lists for Points 1 and 6 are to be confirmed as part of the monitoring required under	Noted – commissioning has not yet been completed – will be done as part of the air verification report	Noted	Not triggered

Approval ID	Requirement	Evidence Collected	Independent Audit Findings and Recommendations	Compliance Status
	condition M2.2 and the Post Commissioning Air Emissions Verification Report required under condition E1.1.			
NOTES	<p>Re: Point 2: At the time of issue of this licence the SPL Drying and Blending Plant had not been constructed. The limits and monitoring for Point 2 do not apply until processing of SPL material occurs in the Drying and Blending Plant.</p> <p>Re: Point 3: At the time of issuing this licence the SPL Preparation Facility in Shed 5 is serviced by pollution controls operated by Tomago Aluminium Company Ltd (Covered by Environment Protection Licence 6163). Upon separate pollution controls being installed for the SPL Preparation Facility air emissions from that facility must meet the limits shown above for Point 3 and monitoring as detailed for Point 3 must be undertaken.</p>		Noted - commissioning not yet completed	Note only
L3 L3.1	<p><b>Waste</b></p> <p>The licensee must not cause, permit or allow any waste to be received at the premises, except the wastes expressly referred to in the column titled "Waste" and meeting the definition, if any, in the column titled "Description" in the table below. Any waste received at the premises must only be used for the activities referred to in relation to that waste in the column titled "Activity" in the table below. Any waste received at the premises is subject to those limits or conditions, if any, referred to in relation to that waste contained in the column titled "Other Limits" in the table below. This condition does not limit any other conditions in this licence.</p>	Interview Annual reports as above	No waste is received other than that specified.	Compliant
L3 L3.2	The licensee must not receive or process more than 60,000 tonnes of spent pot lining (SPL) material per year.	Annual Report	Annual Report	Compliant

Approval ID	Requirement	Evidence Collected	Independent Audit Findings and Recommendations	Compliance Status
L4 L4.1	<b>Noise limits</b> Noise from the premises must not exceed the noise limits shown in the table – see EPL #13269.	Complaints Register OEMP Site inspection Independent Audit Report (Ardent Group, 2020). AECOM Rod Mill Noise Measurements letter report dated 1/4/2020.	The site is contained within the Tomago Aluminium Smelter site. An Independent Audit noise study was conducted in 2013 (as noted in Independent Audit Report 2017). There has been no change in noise or sensitive receptors. Noise measurements were determined for the rod mill to provide sound power levels without external panels installed. No noise complaints have been made. Complaints register sighted.	Compliant
L4.2	Operation of the licenced premises must not cause noise emissions that would cause an increase of the current noise levels at any noise affected premises.	Complaints Register Site inspection	The site is contained within the Tomago Aluminium Smelter site. No noise complaints have been made.	Compliant
L4.3	The noise limits set out in the Noise Limits table apply under all meteorological conditions except for the following: a) Wind speeds greater than 3 metres/second at 10 metres above ground level; or b) Stability category F temperature inversion conditions and wind speeds greater than 2 metres/second at 10 metres above ground level; or c ) Stability category G temperature inversion conditions.	Independent Audit Report 2017, 2020, 2023 Interview Operations Manager	The 2017 Independent Audit Report notes that the noise compliance report demonstrated acceptable weather conditions during noise monitoring. No further noise monitoring has been required.	Compliant
L4.4 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)	Independent Audit Report 2017	The 2017 Independent Audit Report notes that the noise compliance report demonstrated acceptable location for noise monitoring. No further noise monitoring has been required.	Compliant

Approval ID	Requirement	Evidence Collected	Independent Audit Findings and Recommendations	Compliance Status
iii)	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  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.			
L4.5	For the purposes of determining the noise generated on the premises the modification factors in Section 4 of the NSW Industrial Noise Policy must be applied to the noise levels measured by the noise monitoring equipment.	Independent Audit Report 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

Approval ID	Requirement	Evidence Collected	Independent Audit Findings and Recommendations	Compliance Status
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:</p> <p>a) must be maintained in a proper and efficient condition; and</p> <p>b) must be operated in a proper and efficient manner.</p>	<p>Interview Operations Manager</p> <p>Examples of work orders</p> <p>Examples sighted e.g. dust collector checks 13/5/24.</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. 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>	Compliant
O3 O3.1	<p><b>Dust</b></p> <p>All operations and activities occurring at the premises must be carried out in a manner that will minimise the emission of dust from the premises.</p>	<p>Site Inspection</p> <p>Operational Environmental Management Plan (OEMP) (116C004 v8.2 dated 21 January 2023) Table 7.</p> <p>Complaints Register shows no dust complaints.</p>	<p>Table 7 OEMP lists risk controls to minimise dust. These include handling SPL material under cover; ensure SPL Building 5 is kept closed and under negative pressure; processed material is kept damp and stored in shed 6; rumble grids are at the doorways of sheds 5 and 6; routine sweeping occurs on site roads and paved areas; trucks are inspected after loading and unloading of material.</p> <p>Safe work check sheets are in</p>	Compliant

Approval ID	Requirement	Evidence Collected	Independent Audit Findings and Recommendations	Compliance Status
			<p>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>	
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 v8.2 dated 21 January 2023).</p> <p>ERP records dated 31/10/23.</p> <p>Pollution Incident Response Management Plan (116C012 v3.2 19 January 2023)</p> <p>Induction assessment records</p>	<p>TAC Induction and Regain Induction.</p> <p>These inductions include spills and incident management.</p> <p>Emergency response drill conducted 31/10/23 – smoke observed coming from plant.</p>	Compliant



Approval ID	Requirement	Evidence Collected	Independent Audit Findings and Recommendations	Compliance Status
		24/4/24, 8/8/24.		
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.	Interview Operation Manager, NSW Regional Manager 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 #1630208	Environmentally Hazardous Chemicals Act Licence #1630208 audited as part of the current audit.	Compliant
O5.3	Spent potliner waste containing fluoride and cyanide must be kept on the premises in such a manner so that no leachate nor wind borne material can escape from the premises.	Site Inspection	Aluminium smelter waste stored in contained shed. No evidence of wind borne material escaping from the premises, nor any potential for leachate escaping from site.	Compliant
O5.4	The storage area for the spent potliner waste must be maintained in good order and condition.	Site inspection.  Operational Environmental Management Plan (OEMP) (116C004 v8.2 dated 21 January 2023) Table 7.	The site inspection confirmed that all SPL waste is stored in shed 5. Process SPL waste is processed in the thermal treatment plant and stored in shed 6. Sheds are in good condition with appropriate	Compliant

Approval ID	Requirement	Evidence Collected	Independent Audit Findings and Recommendations	Compliance Status
			roofing.  OEMP Table 7 specifies storage and handling requirements for SPL waste.	
5 M1 M1.1	<b>MONITORING AND RECORDING</b> <b>Monitoring records</b> The results of any monitoring required to be conducted by this licence or a load calculation protocol must be recorded and retained as set out in this condition.	Regain Environmental Pollution Monitoring Data available on Regain Tomago website. Reports include required monitoring, noted in this audit checklist.	All monitoring records required by the conditions of this licence are kept, as required.	Compliant
M1.2	All records required to be kept by this licence must be: a) in a legible form, or in a form that can readily be reduced to a legible form; b) kept for at least 4 years after the monitoring or event to which they relate took place; and c ) produced in a legible form to any authorised officer of the EPA who asks to see them.	Regain Environmental Pollution Monitoring Data – available on Regain Tomago website.  Interview NSW Regional Manager	All monitoring records reviewed are legible. Records date back to 2012. Advised that the EPA has not asked for the records. Reports provided by air monitoring consultant and kept.	Compliant
M1.3	The following records must be kept in respect of any samples required to be collected for the purposes of this licence: a) the date(s) on which the sample was taken; b) the time(s) at which the sample was collected; c ) the point at which the sample was taken; and d) the name of the person who collected the sample.	Port Hunter Environmental Regain Tomago – Biannual Emissions Testing Report May 2024  Port Hunter Environmental Regain Tomago – Biannual Emissions Testing Report November 2023	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>	Port Hunter Environmental Regain Tomago – Biannual Emissions Testing Report May	Records from air monitoring address the requirements specified in M2.1.	Compliant

Approval ID	Requirement	Evidence Collected	Independent Audit Findings and Recommendations	Compliance Status
	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:	2024  Port Hunter Environmental Regain Tomago – Biannual Emissions Testing Report November 2023		
M2.2	Air Monitoring Requirements are specified in the table. See EPL #13269.	Port Hunter Environmental Regain Tomago – Biannual Emissions Testing Report May 2024	Air emission monitoring occurs in line with the frequency and method detail in the EPL. Details are reported in the emissions testing reports e.g. conducted by Port Hunter Environmental.	Compliant
M2.3	For the purposes of the table(s) above, (a) Special Frequency 1 means the collection of samples every 3 months until the EPA reviews this matter following consideration of the air emissions verification report required by Pollution Reduction Program 1 of this licence. (b) Special Frequency 2 means the collection of samples on a quarterly basis for a 12 month period post commissioning, and every 6 months thereafter. (c) Special Frequency 3 means post commissioning, and every 6 months thereafter.	Port Hunter Environmental Regain Tomago – Biannual Emissions Testing Report November 2023	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 consistency between the air concentration limits (L2.2), the air monitoring requirements (M2.2) and the annual report template. – A licence variation has not yet occurred. Update was relating to a PRP. The request for insertion of cadmium will be made at the next variation. Which is deemed appropriate.	OFI
M2.4	For the purposes of the table(s) above, Special Method 1 means the monitoring of temperature inside the Rotary Kiln at the burner end.			Note only

Approval ID	Requirement	Evidence Collected	Independent Audit Findings and Recommendations	Compliance Status
M2.5	Due to the commercially confidential nature of the monitoring results for Points 4 and 8, the monitoring results for Points 4 and 8 in the table above are not required to be published online. This special condition relates only to Points 4 and 8 of this licence.			Note only
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>	<p>Port Hunter Environmental Regain Tomago – Biannual Emissions Testing Report May 2024</p> <p>Port Hunter Environmental Regain Tomago – Biannual Emissions Testing Report November 2023</p>	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>	Annual Return 2023 dated 20/12/23 Complaints Register	No complaints have been reported – sighted register.	Not Triggered

Approval ID	Requirement	Evidence Collected	Independent Audit Findings and Recommendations	Compliance Status
M5.2	The record must include details of the following: a) the date and time of the complaint; b) the method by which the complaint was made; c ) any personal details of the complainant which were provided by the complainant or, if no such details were provided, a note to that effect; d) the nature of the complaint; e) the action taken by the licensee in relation to the complaint, including any follow-up contact with the complainant; and f) if no action was taken by the licensee, the reasons why no action was taken.	Annual Return 2023 dated 20/12/23 Complaints Register	No complaints have been reported – sighted register.	Not Triggered
M5.3	The record of a complaint must be kept for at least 4 years after the complaint was made.	Complaints Register	No complaints have been reported – sighted register.	Not Triggered
M5.4	The record must be produced to any authorised officer of the EPA who asks to see them.	Not applicable	No complaints have been reported.	Not Triggered
M6 M6.1	<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
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

Approval ID	Requirement	Evidence Collected	Independent Audit Findings and Recommendations	Compliance Status
M6.3	The preceding two conditions do not apply until 3 months after: the date of the issue of this 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
M7 M7.1	<p><b>Other monitoring and recording conditions Sampling Aluminium Smelter Wastes</b></p> <p>Any sampling and testing procedures referred to in this licence for spent pot-liner waste must be carried out in accordance with the State Pollution Control Commission document titled "Procedures for the Sampling and Analysis of Aluminium Smelter Wastes for Determination of Leachable Fluoride and/or Leachable Cyanide", dated 19 December 1986</p>	EPL #13269	Sampling of spent potliner waste is not conducted as it is not required by this licence.	Not Triggered
6 R1 R1.1	<p><b>REPORTING CONDITIONS</b></p> <p><b>Annual return documents</b></p> <p>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.</p> <p>Note: An application to transfer a licence must be made in the approved form for this purpose.</p> <p>The licensee must complete and supply to the EPA an Annual Return in the approved form comprising:</p> <ol style="list-style-type: none"> <li>1. a Statement of Compliance,</li> <li>2. a Monitoring and Complaints Summary,</li> <li>3. a Statement of Compliance - Licence Conditions,</li> <li>4. 4. a Statement of Compliance - Load based Fee,</li> <li>5. a Statement of Compliance - Requirement to Prepare Pollution Incident Response Management Plan,</li> <li>6. a Statement of Compliance - Requirement to Publish Pollution Monitoring Data; and</li> </ol>	Annual Return 2023 dated 20/12/23	Annual returns have been completed in accordance with specified requirements.	Compliant

Approval ID	Requirement	Evidence Collected	Independent Audit Findings and Recommendations	Compliance Status
	<p>7. a Statement of Compliance - Environmental Management Systems and Practices.</p> <p>At the end of each reporting period, the EPA will provide to the licensee a copy of the form that must be completed and returned to the EPA.</p>			
R1.2	An Annual Return must be prepared in respect of each reporting period, except as provided below.	Not applicable	Licence has not been transferred.	Not Triggered
R1.3	<p>Where this licence is transferred from the licensee to a new licensee:</p> <p>a) the transferring licensee must prepare an Annual Return for the period commencing on the first day of the reporting period and ending on the date the application for the transfer of the licence to the new licensee is granted; and</p> <p>b) the new licensee must prepare an Annual Return for the period commencing on the date the application for the transfer of the licence is granted and ending on the last day of the reporting period.</p>			
R1.4	Where this licence is surrendered by the licensee or revoked by the EPA or Minister, the licensee must prepare an Annual Return in respect of the period commencing on the first day of the reporting period and ending on:	Not applicable	Licence has not been surrendered.	Not triggered

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	<p>a) in relation to the surrender of a licence - the date when notice in writing of approval of the surrender is given; or</p> <p>b) in relation to the revocation of the licence - the date from which notice revoking the licence operates.</p>			
R1.5	The Annual Return for the reporting period must be supplied to the EPA via eConnect <i>EPA</i> or by registered post not later than 60 days after the end of each reporting period or in the case of a transferring licence not later than 60 days after the date the transfer was granted (the 'due date').	EPL #13269 Lodged online Winchill records	Anniversary date is 5 November.  Annual return lodged within 60 days of anniversary date.	Compliant
R1.6	The licensee must retain a copy of the Annual Return supplied to the EPA for a period of at least 4 years after the Annual Return was due to be supplied to the EPA.	Annual Return 2020 dated 30/12/20 Annual Return 2021 dated 23/12/21 Annual Return 2022 dated 22/12/22 Annual Return 2023 dated 20/12/23	Annual returns kept on Winchill system – sighted last four years.	Compliant
R1.7	<p>Within the Annual Return, the Statement of Compliance must be certified and the Monitoring and Complaints Summary must be signed by:</p> <p>a) the licence holder; or</p> <p>b) by a person approved in writing by the EPA to sign on behalf of the licence holder.</p>	Annual Return 2023 dated 20/12/23	Annual return certified and signed by licence holder.	Compliant



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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 Operations Manager Site Inspection Annual Report 2023	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 Operations manager	No events have occurred.  No advice from EPA relating to events.	Not Triggered
R3.2	The licensee must make all reasonable inquiries in relation to the event and supply the report to the EPA within such time as may be specified in the request.	Interview Operations Manager	No events have occurred.  No advice from EPA relating to events.	Not Triggered
R3.3	The request may require a report which includes any or all of the following information:	Interview Operations Manager	No events have occurred.  No advice from EPA relating to	Not Triggered

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a)	the cause, time and duration of the event;		events.	
b)	the type, volume and concentration of every pollutant discharged as a result of the event;			
c)	the name, address and business hours telephone number of employees or agents of the licensee, or a specified class of them, who witnessed the event;			
d)	the name, address and business hours telephone number of every other person (of whom the licensee is aware) who witnessed the event, unless the licensee has been unable to obtain that information after making reasonable effort;			
e)	action taken by the licensee in relation to the event, including any follow-up contact with any complainants;			
f)	details of any measure taken or proposed to be taken to prevent or mitigate against a recurrence of such an event; and			
g)	any other relevant matters.			
R3.4	The EPA may make a written request for further details in relation to any of the above matters if it is not satisfied with the report provided by the licensee. The licensee must provide such further details to the EPA within the time specified in the request.	Interview Operations Manager	No written requests made.	Not Triggered
7 G1 G1.1	<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

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G1.2	The licence must be produced to any authorised officer of the EPA who asks to see it.	Interview Operations Manager	Not requested by EPA.	Not Triggered
G1.3	The licence must be available for inspection by any employee or agent of the licensee working at the premises.	EPL#13269 Site audit	EPL#13269 available on the premises.	Compliant
G2	Other General Conditions Completed Programs PRP 2 – Noise Survey Submit noise survey within 12 months of EPL Completed 07 November 2013			Nil required
8 U1 U1.1	<p><b>POLLUTION STUDIES AND REDUCTION PROGRAMS</b></p> <p><b>PRP 1 – Air Emissions Verification Report</b></p> <p>Within 9 months of commissioning pollution controls for the SPL Preparation Plant (Point 3) and/or the SPL Drying and Blending Plant (Point 2) the licensee must submit an Air Emissions Verification Report to the EPA detailing the results of source emissions sampling and analysis, undertaken at Points 2 and 3, in accordance with the requirements specified in condition M2.1 of this licence.</p> <p>The report must include, but not necessarily be limited to, the following:</p>	Interview with NSW Regional Manager	The Air Emissions Verification Report is not yet required as the 9 months since commissioning Point 3 has not yet passed.	Not Triggered
a)	A minimum of 3 tests must be conducted with the premises operating at full capacity;			
b)	All monitoring required by this licence;			

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c)	Copies of all analytical test reports for all substances sampled and tested;			
d)	Demonstrate compliance with the requirements of the Clean Air (Plant and Equipment) Regulation 2021.			
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. The report must be submitted to the EPA at PO Box 488G, Newcastle NSW 2300, or emailed to hunter.region@epa.nsw.gov.au.			
U2 U2.1	PRP 3 – Shed 5 Fugitive Dust Mitigation The licensee must: 1. by 29 March 2024 install and commission the "Base Option A" fugitive dust mitigation measures to Shed 5 as proposed in the document titled "Tomago SPL Processing Facility - Fugitive Dust Risk Mitigation - Pollution Reduction Study" (DOC23/724479). 2. by 29 March 2024 provide the EPA a commissioning report on the effectiveness of the installed mitigation measures to info@epa.nsw.gov.au. 3. install and commission the Base Option A fugitive dust mitigation measures in Shed 5 prior to any increase above 3,000 tonnes per month in the processing of spent pot lining	Tomago Spent Potlining Facility. Shed 5 Fugitive Dust Risk Mitigation. Vent Closure Panel System Commissioning Report 28/3/24. Email to EPA attaching letter of advice relating to Condition U2.1. Email from EPA confirming receipt of Fugitive Dust Risk Mitigation Report and confirming compliance with the requirements of PRP condition U2.1.	Dust extractive systems are connected to shed 5. Shed 5 can become pressurised by strong west winds when the roller doors in the western all remain open, hence the potential for airborne dust to escape via the roof ridge and wall vents. The Vent Closure Panel System has been installed to mitigate this risk. This consists of sensors on the roller doors indicating the door is open; wall vent closure panels that self-close under gravity; roof vent	Compliant

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	(SPL) that is not delivered to the Premises via Tomago Aluminium Company's (TAC) pot de-lining facility.	<p>Site inspection, including visual observation of deliveries occurring at the time of audit.</p> <p>Interview Operations Manager.</p>	<p>closure panels operated by a fail-safe pneumatic rotary actuator.</p> <p>Equipment testing conducted 28/3/24 with report confirming functionality of the vent closure panel system.</p> <p>During the audit it was noted that the procedure was being followed (see photos). Specifically, doors closed until use required. Truck delivery – door was opened, truck drove so that its entirety including the trailer entered shed 5. Door was closed prior to any works.</p> <p>Advised that forklift drivers and truck drivers now have remotes to activate the roller door.</p>	
<p>9 E1  E1.1</p>	<p><b>SPECIAL CONDITIONS</b>  <b>Post Commissioning Air Emissions Verification Report – Rotary Kiln 2 and Fine Grinding Mill</b>            Within one month of commissioning Points 6; 7; and, 8, the licensee must provide written notification to the EPA advising the commissioning of these Points. Notification must be provided to the EPA at PO Box 488G, Newcastle NSW 2300, or by email to hunter.region@epa.nsw.gov.au.</p>	<p>Interview NSW Regional Manager.            Not yet required as Point 7 has not been commissioned.</p>	<p>Rotary kiln 2 and point 8 are temperature monitoring points. Point 7 (grind mill) has not yet been commissioned. Therefore the Air Emissions Verification Report is not yet required.</p>	<p>Not Triggered</p>

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E1.2	<p>Within 12 months of commissioning Points 6; 7; and 8, the licensee must submit a Post Commissioning Air Emissions Verification Report to the EPA. The Post Commissioning Air Emissions Verification Report must:</p> <p>(a) Include details of all air emissions monitoring and associated analytical results from monitoring required by the licence.</p> <p>(b) Provide information on the processing conditions during the time when monitoring was undertaken. This must include, but is not limited to, the SPL being processed and the smelter from which it originated.</p> <p>(c) With consideration of the processing conditions when monitoring was undertaken (as per (b) above), demonstrate the post commissioning emissions monitoring results adequately captures worse case emissions.</p> <p>(d) Compare the post commissioning monitoring against the relevant concentration limits provided in the licence and the Protection of the Environment Operations (Clean Air) Regulation 2010.</p> <p>(e) For Points 1 and 6, propose and justify oxygen corrections for the pollutants listed in condition L2.2 in respect of the respective concentration limits.</p> <p>(f) Detail action taken or proposed to be taken to achieve the concentration limits provided in the licence and the Protection of the Environment Operations (Clean Air) Regulation 2010, where the monitoring undertaken identifies any exceedances.</p> <p>The Post Commissioning Air Emissions Verification Report must be submitted to the EPA at PO Box 488G, Newcastle NSW 2300, or emailed to <a href="mailto:hunter.region@epa.nsw.gov.au">hunter.region@epa.nsw.gov.au</a></p>	Not yet required.	Point 7 (grind mill) has not yet been commissioned. Therefore the Air Emissions Verification Report is not yet required.	Not Triggered

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<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 Operations Manager	Transportation of SPL waste.	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	Transport of SPL waste from Hydro was conducted as per the licence application. Portland now the external source of SPL.	Compliant
2 P1 P1.1	<b>Discharges to Air and Water and Applications to Land</b> <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.	No monitoring points listed.	No monitoring required	Not Triggered.
3 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	Site inspection – sighted unloading of SPL in to Shed 5. OEMP Waste Transport Certificates e.g. loaded Portland 31/5/24 and unloaded Tomago 3/6/24; 18/6/24.	SPL waste is loaded into Shed 5 under controlled conditions. Waste certificates are processed online.	Compliant

Approval ID	Requirement	Evidence Collected	Independent Audit Findings and Recommendations	Compliance Status
	b) the treatment, storage, processing, reprocessing, transport and disposal of waste generated by the activity.	Interview Operations Manager Traffic Management Plan		
O2 O2.1	<p><b>Maintenance of plant and equipment</b> All plant and equipment installed at the premises or used in connection with the licensed activity:</p> <p>a) must be maintained in a proper and efficient condition; and b) must be operated in a proper and efficient manner.</p>	<p>Interview Operations Manager Winchill Management System records</p> <p>Examples sighted e.g. dust collector checks 13/5/24.</p> <p>Pre-start checks conducted on mobile plant daily e.g. forklift 7/6/24, 12/8/24, sweeper 12/6/24, excavator 9/8/24.</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. 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>	Compliant
4 M1 M1.1	<p><b>Monitoring and Recording Conditions</b> <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 licensee in relation to pollution arising from any activity to which this licence applies.</p>	Complaints Register Interview NSW Regional Manager	No complaints have been made.	Not Triggered
M1.2	<p>The record must include details of the following:</p> <p>a) the date and time of the complaint; b) the method by which the complaint was made;</p>	Complaints Register Interview NSW Regional Manager	No complaints have been made.	Not Triggered



Approval ID	Requirement	Evidence Collected	Independent Audit Findings and Recommendations	Compliance Status
	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.			
M1.3	The record of a complaint must be kept for at least 4 years after the complaint was made.	Complaints Register Interview NSW 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 NSW 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 NSW 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 NSW 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 h) where this licence applies to vehicles or mobile plant, an event has occurred in connection with the carrying out of the activities authorised by this licence, and the event has caused, is causing or is likely to cause material harm to the environment (whether the harm occurs on or off premises to which the licence applies), the authorised officer may request a written report of the event.	Interview NSW 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
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 NSW Regional Manager	EPA has not suspected that an event has occurred. No events have occurred.	Not Triggered
R2.3	The request may require a report which includes any or all of the following information: i) the cause, time and duration of the event; j) the type, volume and concentration of every pollutant discharged as a result of the event; k) the name, address and business hours telephone number of employees or agents of the licensee, or a specified class of them, who witnessed the event; l) the name, address and business hours telephone number of every other person (of whom the licensee is aware) who witnessed the event, unless the licensee has been unable to obtain that information after making reasonable effort; m) action taken by the licensee in relation to the event, including any follow-up contact with any complainants; n) details of any measure taken or proposed to be taken to prevent or mitigate against a recurrence of such an event; and o) any other relevant matters.	Interview NSW 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 NSW Regional Manager	EPA has not suspected that an event has occurred. No events have occurred.	Not Triggered
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 NSW 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 Pot Lining Process Facility

**Consent Number:** MP\_06-0050 MOD 2

**Description of Project:** Spent Pot Lining Process Facility

**Project Address:** Tomago Road, Tomago, NSW

**Proponent:** Regain Services Pty Ltd

**Date:** 16/5/2024

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.

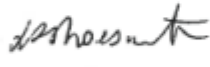
Notes:

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 "Lana Shoesmith", is written over the printed word "Signature".

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

Company Ardent Group Pty Ltd

## APPENDIX 3 AUDITOR LETTER OF APPROVAL

Department of Planning, Housing and Infrastructure



NSW Planning ref: MP06\_0050-PA-12

Kevin Cooper  
Development Manager  
REGAIN SERVICES PTY LTD  
P.O. Box 761  
Port Melbourne Victoria 3207  
29/05/2024

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Sent via the Major Projects Portal only

Subject: Tomago Potliner Facility - 2024 Independent Audit auditor endorsement

Dear Mr Cooper

I refer to your request for the Planning Secretary's endorsement of suitably qualified, experienced, and independent person/s to conduct an Independent Audit of the Tomago Potliner Facility, as required by Schedule 4, conditions 29 and 30 of MP06\_0050 as modified (the approval).

NSW Planning has reviewed the independent auditor nomination and based on the information you have provided is satisfied that the proposed person is suitably qualified, experienced, and independent.

In accordance with the conditions of the approval and the NSW Planning, *Independent Audit Post Approval Requirements (2020)*, as nominee of the Planning Secretary, I endorse Lana Shoemith as the independent auditor for the 2024 Independent Audit.

Please ensure this correspondence is appended to the Independent Audit report.

Under the provisions of Schedule 2 condition 4 of the approval, the Planning Secretary requests:

1. the 2024 Independent Audit to be prepared, undertaken, and finalised in accordance with the conditions of approval and the *Independent Audit Post Approval Requirements (2020)* and
2. the Independent Audit period shall be from 1 August 2023 until the date of the audit site inspection, or as otherwise agreed with the Planning Secretary.

Failure to meet these requirements will require revision and resubmission.

Finally, I note that Lana has been the endorsed independent auditor for the 2017, 2020 and 2023 independent audits. As such, NSW Planning requests an alternate auditor be nominated for endorsement for future independent audits.

Department of Planning, Housing and Infrastructure



Should you wish to discuss the matter further, please contact me on 02 65753401 or email [compliance@planning.nsw.gov.au](mailto:compliance@planning.nsw.gov.au)

Yours sincerely



Heidi Watters  
Team Leader  
Compliance

As nominee of the Planning Secretary



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

## Appendix 4 Department Planning and Environment Contact Summary

Date	Action	Contact	Response
15/8/2024	Email Received	Laura Gothard, Senior Compliance Officer, Department of Planning, Housing and Infrastructure	Confirmed phone conversation in writing, noting no further consultation required, no modification to scope needed, no technical experts required
31/7/2024	Call received	Laura Gothard, Senior Compliance Officer, Department of Planning, Housing and Infrastructure	Confirmed no further consultation required, no modification to scope needed, no technical experts required
31/07/2024	Call left message	Heidi Watters, Department of Planning, Housing and Infrastructure, Team Leader, Compliance	Left message requesting call back to confirm no modifications to scope or further consultation are required.
09/07/2024	Call left message	Heidi Watters, Department of Planning, Housing and Infrastructure, Team Leader, Compliance	Left message requesting call back to confirm no modifications to scope or further consultation are required.

## Appendix 4 Opening and Closing Meeting Details

## Appendix 5 Opening and Closing Meeting Attendance

Person	Role	Opening Meeting	Closing Meeting
Bernie Cooper	Director, Regain	14/8/24	14/8/24
Kevin Cooper	NSW Regional Manager, Regain	14/8/24	14/8/24
John Cooper	Operations Manager, Regain	14/8/24	14/8/24
Lana Shoesmith	Master Environmental Auditor, Ardent Group	14/8/24	14/8/24

## Appendix 6 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:** 26/9/2024

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:

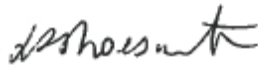
a) Under section 10.6 of the *Environmental Planning and Assessment Act 1979* a person must not include false or misleading information (or provide information for inclusion in) in a report of monitoring data or an audit report produced to the Minister in connection with an audit if the

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 Shoemith

**Signature**

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

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

**Company** Ardent Group Pty Ltd

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

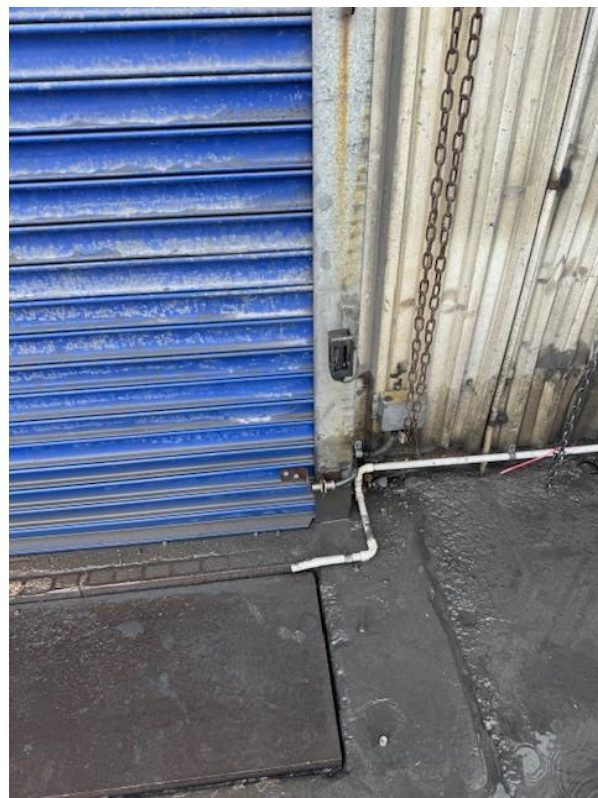
## APPENDIX 7 SITE INSPECTION PHOTOGRAPHS



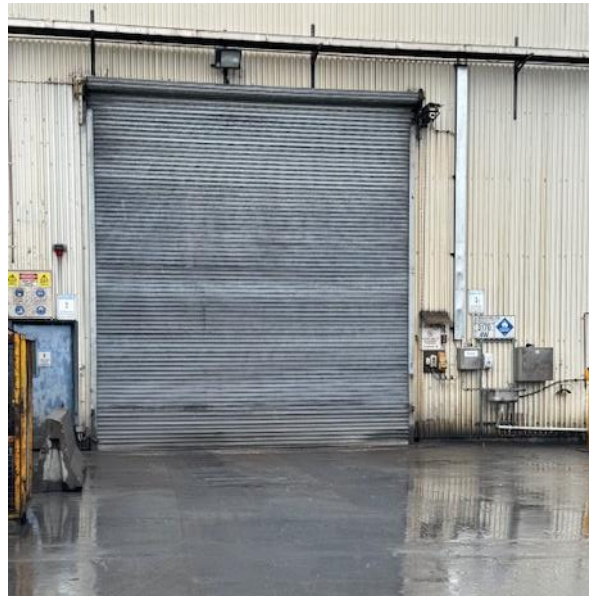
**Photo 1 – SPL delivery process – Shed 5. Door is shut before truck unloads.**



**Photo 2 – Shed 5 Entrance Door showing sensor.**



**Photo 3 – Shed 5. Door is shut before truck unloads.**



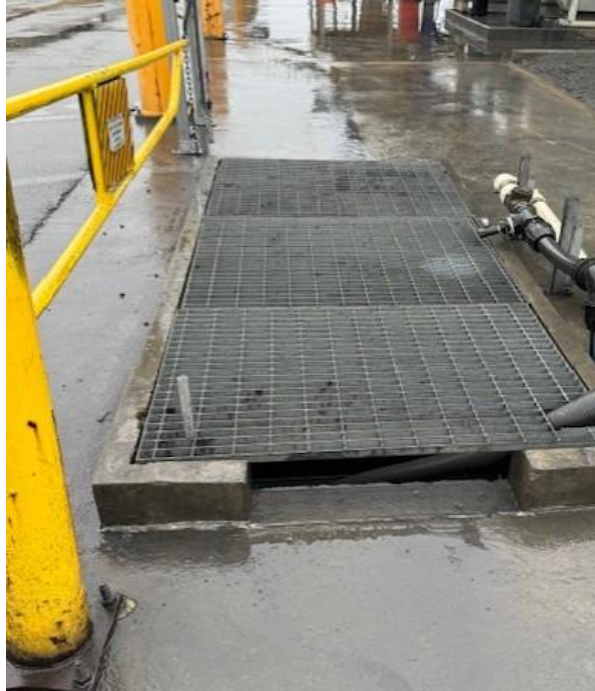
**Photo 4 – Rumble grid in front of door entrance.**



**Photo 5 – Bunded storage**



**Photo 6 – Stormwater Interception Sump**



**Photo 7 – Spill Kit**



**Photo 8 – Stormwater Storage Tanks**





Photo 9 – Thermal Treatment Plant No 2 Dust Collector

