



Government of **Western Australia**
Department of **Environment and Conservation**

Your ref: L5008/1991/13
Our ref: 2010/005964
Enquiries: Raphaella de Oliveira
Phone: 6467 5176
Fax: 6467 5561
Email: Raphaella.deoliveira@dec.wa.gov.au

Errol John & Annette Rose Howard
Kamarah Piggery
PO Box 29
WANNAMAL WA 6505

Dear Mr and Mrs Howard

ENVIRONMENTAL PROTECTION ACT 1986 – AMENDMENT TO LICENCE

Licence: L5008/1991/13

Premises: Kamarah Piggery

Further to my letter dated 17 May 2013, please find enclosed your amended *Environmental Protection Act 1986* licence.

If you have any questions or objections relating to the licence, please do not hesitate to contact the enquiries officer above on 6467 5176 for clarification or discussion of any grievances you have.

If you are concerned about, or object to any aspect of the amendment, you may lodge an appeal with the Minister for the Environment within 21 days from the date on which this licence is received. The Office of the Appeals Convenor can be contacted on 6467 5190 to find out the procedure and fee.

Members of the public may also appeal the amendments. The Appeals Registrar at the Office of the Appeals Convenor can be contacted after the closing date of appeals to check whether any appeals were received.

Yours sincerely

Alan Sands
Officer delegated under Section 20
of the *Environmental Protection Act 1986*

14 June 2013

enc:

copy to: Local Government Authority: Shire of Gingin

DIRECTOR GENERAL AND ENVIRONMENTAL SERVICES DIVISIONS: The Atrium, 168 St Georges Terrace, Perth, Western Australia 6000

Phone: (08) 6467 5000 Fax: (08) 6467 5562

PARKS AND CONSERVATION SERVICES DIVISIONS: Executive: Corner of Australia II Drive and Hackett Drive, Crawley, Western Australia 6009

Phone: (08) 9442 0300 Fax: (08) 9386 1578 Operations: 17 Dick Perry Avenue, Technology Park, Kensington, Western Australia 6151

Phone: (08) 9219 8000 Fax: (08) 9334 0498

POSTAL ADDRESS FOR ALL DIVISIONS: Locked Bag 104, Bentley Delivery Centre, Western Australia 6983

www.dec.wa.gov.au

wa.gov.au

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Amended Licence

Environmental Protection Act 1986, Part V

Licensee: Errol John & Annette Rose Howard

Licence: L5008/1991/13

Registered office: Errol John & Annette Rose Howard
310 West Wannamal Road
MINDARRA WA 6503

Premises address: Kamarah Piggery
310 West Wannamal Road
MINDARRA WA 6503
Being Lot 21 on Plan 74381 as depicted in Schedule 1.

Issue Date: Thursday 08 September 2011

Commencement Date: Wednesday 19 October 2011

Expiry Date: Tuesday 18 October 2016

Amendment Date: Friday 14 June 2013

Prescribed Premises Category
Schedule 1 of the Environmental Protection Regulations 1987

Category number	Category description	Category production or design capacity	Premises production or design capacity
2	Intensive Piggery: premises on which pigs are fed, watered and housed in pens.	1000 animals or more	4 500 animals

Conditions of Licence

Subject to the conditions of licence set out in the attached pages.

Officer delegated under Section 20
of the *Environmental Protection Act 1986*



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Introduction

This Introduction is not part of the Licence conditions.

Who we are

The Department of Environment and Conservation (DEC) is a Government Department in the portfolio of the Minister for the Environment. Our purpose is to protect and conserve the State's environment on behalf of the people of Western Australia.

Our industry licensing role

DEC has responsibilities under Part V of the *Environmental Protection Act 1986* (the Act) for the licensing of prescribed premises. We also monitor and audit compliance with works approvals and licence conditions, take enforcement action as appropriate and develop and implement licensing and industry regulation policy.

Licence requirements

This licence is issued under Part V of the Act. Conditions contained with the licence relate to the prevention, reduction or control of emissions and discharges and to the monitoring and reporting of them.

Where other statutory instruments impose obligations on the Premises/Licensee the intention is not to replicate them in the licence conditions. You should therefore ensure that you are aware of all your statutory obligations under the Act and any other statutory instrument. These can be accessed through the State Law Publisher website using the following link:

<http://www.slp.wa.gov.au/legislation/statutes.nsf/default.html>

For your Premises relevant statutory instruments include but are not limited to obligations under the:

- Environmental Protection (Unauthorised Discharges) Regulations 2004 – these Regulations make it an offence to discharge certain materials such as contaminated stormwater into the environment other than in the circumstances set out in the Regulations.
- Environmental Protection (Controlled Waste) Regulations 2004 - these Regulations place obligations on you if you produce, accept, transport or dispose of controlled waste.
- Environmental Protection (Noise) Regulations 1997 – these Regulations require noise emissions from the Premises to comply with the assigned noise levels set out in the Regulations.



You should comply with your licence. Non-compliance with your licence is an offence and strict penalties exist for those who do not comply. Additional guidance on pollution prevention can be found in the Department of Water's Water Quality Protection Guidelines and Codes of Practice accessed through:

<http://www.water.wa.gov.au/Managing+water/Water+quality/Water+quality+protection+guidelines/default.aspx>

Licence holders are also reminded of the requirements of section 53 of the Act which places restrictions on making certain changes to prescribed premises unless the changes are in accordance with a works approval, licence, closure notice or environmental protection notice.

Licence Fees

If you have a licence that is issued for more than one year, you are required to pay an annual licence fee prior to the anniversary date of issue of your licence. Non payment of annual licence fees will result in your licence ceasing to have effect meaning that it will no longer be valid and you will need to apply for a new licence for your Premises.

Ministerial conditions

If your Premises has been assessed under Part IV of the Act you may have had conditions imposed by the Minister for the Environment. You are required to comply with any conditions imposed by the Minister.

Premises description and Licence summary

Errol John & Annette Rose Howard run a 1486 hectare mixed farm operation which includes: running cattle, sheep, cropping and an intensive piggery.

The Kamarah Piggery was established in 1996 and is situated on West Wannamal Road, Wannamal WA.

The site houses approximately 4,500 pigs in conventional sheds designed with concrete floors which prevent seepage of effluent into the soil and groundwater.

The main emissions at the premises relate to piggery effluent disposal and odour emissions.

The wastewater generated from the piggery is treated via the wastewater treatment system which comprises of two anaerobic ponds and one evaporative pond. The treated wastewater is disposed via evaporation or reused within the piggery for flushing the site. There is no irrigation of treated wastewater on-site.

Odour is managed through the regular cleaning of housing sheds and shelters and the ongoing management of wastewater treatment ponds.

The licence is the result of an amendment sought by DEC to convert the existing licence to a new format REFIRE licence. The amendment does not alter any emissions or discharges from the premises.



The licences and works approvals issued for the Premises since 25/02/1991 are:

Instrument log		
Instrument	Issued	Description
W6271/1991/1	25/02/1991	Works Approval
W1206/1991/1	22/02/1995	Works Approval
L5008/1991/6	05/10/2000	Licence re-issue
L5008/1991/7	05/10/2001	Licence re-issue
L5008/1991/8	05/10/2002	Licence re-issue
L5008/1991/9	05/10/2003	Licence re-issue
L5008/1991/10	14/10/2004	Licence re-issue
L5008/1991/11	19/10/2005	Licence re-issue
L5008/1991/12	19/10/2006	Licence re-issue
L5008/1991/13	19/10/2011	Licence re-issue
L5008/1991/13	14/6/2013	Licence amendment to REFIRE format

Severance

It is the intent of these Licence conditions that they shall operate so that, if a condition or a part of a condition is beyond the power of this Licence to impose, or is otherwise *ultra vires* or invalid, that condition or part of a condition shall be severed and the remainder of these conditions shall nevertheless be valid to the extent that they are within the power of this Licence to impose and are not otherwise *ultra vires* or invalid.

END OF INTRODUCTION



Licence conditions

1 General

1.1 Interpretation

1.1.1 In the Licence, definitions from the *Environmental Protection Act 1986* apply unless the contrary intention appears.

1.1.2 In the Licence, unless the contrary intention appears:

"the Act" means the *Environmental Protection Act 1986*;

"annual" means the inclusive period from 1 July until 30 June in the following year;

"carcasses" means the dead bodies of animals (pigs);

"Code of Practice for the Storage and handling of dangerous goods" means the Storage and handling of dangerous goods, Code of Practice, Department of Mines and Petroleum, Government of Western Australia;

"Contact Address" for the purpose of correspondence and advice means:

Regional Leader, Industry Regulation, Swan Region
Department of Environment and Conservation
Locked Bag 104
Bentley Delivery Centre WA 6983
Telephone: (08) 9333 7510
Facsimile: (08) 9333 7526;

"controlled waste" has the definition in Environmental Protection (Controlled Waste) Regulations 2004;

"dangerous goods" has the meaning defined in the Dangerous Goods Safety (Storage and Handling of Non-explosives) Regulations 2007;

"Director" means Director, Environmental Regulation Division of the Department of Environment and Conservation for and on behalf of the Chief Executive Officer as delegated under Section 20 of the *Environmental Protection Act 1986*;

"environmentally hazardous material" means material (either solid or liquid raw materials, materials in the process of manufacture, manufactured products, products used in the manufacturing process, by-products and waste) which if discharged into the environment from or within the premises may cause pollution or environmental harm;

"fugitive emissions" means all emissions not arising from point sources;

"hardstanding" means a surface with a permeability of 10^{-9} metres/second or less;

"leachate" means a liquid containing contaminants leached from the waste mass produced as water percolates through a landfill;



"Licence" means this Licence numbered L5008/1991/13 and issued under the *Environmental Protection Act 1986*;

"Licensee" means the person or organisation named as Licensee on page 1 of the Licence;

"piggery sludge" means any mud-like deposit or mixtures of spent straw bedding, faecal matter and spilt feed derived from the piggery sheds or pens;

"piggery solids" means any solid or spadeable spent straw bedding, faecal matter and spilt feed derived from the piggery sheds or pens;

"placard quantity" has the meaning defined in the Dangerous Goods Safety (Storage and Handling of Non-explosives) Regulations 2007;

"Premises" means the area defined in the Premises Map in Schedule 1 and listed as the Premises address on page 1 of the Licence; and

"waste" has the meaning defined in the *Environmental Protection Act 1986*;

1.1.3 Any reference to an Australian or other standard in the Licence means the relevant parts of the current version of that standard.

1.2 General conditions

1.2.1 Nothing in the Licence shall be taken to authorise any emission that is not mentioned in the Licence, where the emission amounts to:

- (a) pollution;
- (b) unreasonable emission;
- (c) discharge of waste in circumstances likely to cause pollution; or
- (d) being contrary to any written law.

1.2.2 The Licensee shall maintain all pollution control and monitoring equipment to the manufacturer's specification or any internal management system.

1.2.3 The Licensee, except where storage is prescribed in section 1.3, shall only store substances that are classed as dangerous goods below placard quantities or environmentally hazardous materials not classified as dangerous goods if they are stored in accordance with the Code of Practice for the Storage and handling of dangerous goods.

1.2.4 The Licensee shall immediately recover, or remove and dispose of spills of environmentally hazardous materials outside an engineered containment system.

Stormwater control

1.2.5 The Licensee shall ensure that uncontaminated stormwater is kept separate from contaminated or potentially contaminated stormwater. Where stormwater has come into contact with a possible source of contamination, it should be treated as contaminated.

1.3 Premises operation

1.3.1 The Licensee shall ensure that all wastewaters from piggery operations including wash down water, by-products wastewater and contaminated run-off are directed to a wastewater treatment system.

- 1.3.2 The Licensee shall ensure that wastewater is only stored and/or treated within vessels or compounds provided with the infrastructure detailed in Table 1.3.2.

Table 1.3.2: Containment infrastructure		
Storage vessel or compound	Material	Infrastructure requirements
Anaerobic ponds (two) Evaporation pond	Wastewater	Impervious ponds.
Piggery solids and sludge compound	Piggery solids and sludge generated from the piggery sheds or wastewater ponds	A bunded hardstand area capable of preventing surface run-off of leachate and sludge and which returns sludge leachate to the start of the treatment process.

- 1.3.3 The Licensee shall manage the wastewater treatment ponds such that:
- (a) a minimum top of embankment freeboard of 500mm is maintained;
 - (b) storm water runoff is prevented from causing the erosion of outer pond embankments;
 - (c) overtopping of the wastewater treatment ponds does not occur except as a result of an extreme rainfall event (greater than 1 in 10 year event of 72 hours duration);
 - (d) vegetation and floating debris (emergent or otherwise) is prevented from encroaching onto pond surfaces or inner pond embankments (with the exception of duckweed on non-primary treatment ponds);
 - (e) trapped overflows shall be maintained between treatment ponds to prevent carry-over of surface floating matter to subsequent ponds; and
 - (f) no overflow leaves the Premises.

- 1.3.1 The Licensee shall ensure that where wastes produced on the Premises are not taken off-site for lawful use or disposal, they are only subject to the on-site process(es) described in Table 1.3.4 and in accordance with the process requirements in that Table.

Table 1.3.4: Processing of materials		
Waste type	Process	Process requirements
Treated wastewater	Evaporation	None
	Re-used for flushing of piggery	None
Carcasses	On-site burial	Waste shall be covered with at least 500mm of soil immediately upon deposit.
	Handling and storage prior to composting	i) Waste shall not be stored for longer than 7 days before being added to the composting process.
Piggery solids and sludge	On-site application to land	(i) sludge shall be adequately dried prior to land application; (ii) solids and sludge derived from the piggery shall be disposed of evenly by means of a mechanical spreader; (iii) piggery solids shall only be applied to land that is a minimum of 1 metre above the winter groundwater table; (iv) application of piggery solids shall be managed such that there is no runoff beyond the boundaries of the premises; (v) application of piggery solids shall not occur within 50 metres of any defined watercourse, wetland or external property boundary.



- 1.3.2 The Licensee shall not apply any artificial fertilizer containing nitrogen or phosphorus within areas subject to land application of piggery solids and sludges.

2 Emissions

2.1 General

- 2.1.1 The Licensee shall record and investigate the exceedance of any descriptive or numerical limit, and/or target in this section.

2.2-2.4 Point source emissions to air, surface water and groundwater

There are no specified conditions relating to point source emissions to air, surface water or groundwater in this section.

2.5 Emissions to land

There are no specified conditions relating to emissions to land in this section.

2.6 Fugitive emissions

There are no specified conditions relating to fugitive emissions in this section.

2.7 Odour

- 2.7.1 The Licensee shall ensure that odour emitted from the Premises does not unreasonably interfere with the health, welfare, convenience, comfort or amenity of any person who is not on the Premises.

2.8 Noise

There are no specified conditions relating to noise in this section.

3 Monitoring

There are no specified conditions relating to monitoring in this section.

4 Improvements

4.1 Improvement programme

There are no specified improvement conditions in this section.

5 Information

5.1 Records

- 5.1.1 All information and records required by the Licence shall:
- (a) be legible;
 - (b) if amended, be amended in such a way that the original and subsequent amendments remain legible or are capable of retrieval;
 - (c) except for records listed in 5.1.1(d) be retained for at least 6 years from the date the records were made or until the expiry of the Licence or any subsequent licence; and



- (d) for those following records, be retained until the expiry of the Licence and any subsequent licence:
- (i) off-site environmental effects; or
 - (ii) matters which affect the condition of the land or groundwater.

5.1.2 The Licensee shall ensure that:

- (a) any person left in charge of the Premises is aware of the conditions of the Licence and has access at all times to the Licence or copies thereof; and
- (b) any person who performs tasks on the Premises is informed of all of the conditions of the Licence that relate to the tasks which that person is performing.

5.1.3 The Licensee shall complete an Annual Audit Compliance Report indicating the extent to which the Licensee has complied with the conditions of the Licence, and any previous licence issued under Part V of the Act for the Premises for the annual period.

5.1.4 The Licensee shall implement a complaints management system that as a minimum records the number and details of complaints received concerning the environmental impact of the activities undertaken at the Premises and any action taken in response to the complaint.

5.2 Reporting

5.2.1 The Licensee shall submit to the Director at the Contact Address an annual environmental report within 31 calendar days after the end of the annual period. The report shall contain the information listed in Table 5.2.1 in the format or form specified in that table.

Table 5.2.1: Annual environmental report

Condition or table (if relevant)	Parameter	Format or form ¹
-	Summary of any failure or malfunction of any pollution control equipment or any incidents that have occurred during the year and any action taken	None specified
5.1.3	Compliance	AACR
5.1.4	Complaints summary	None specified
-	Total number of animals	Tabular format: monthly maximum including annual total

Note 1: Forms are in Schedule 2

5.3 Notification

5.3.1 The Licensee shall ensure that the parameters listed in Table 5.3.1 are notified to the Director at the Contact Address and in accordance with the notification requirements of the table.

Table 5.3.1: Notification requirements

Condition or table (if relevant)	Parameter	Notification requirement ¹	Format or form ²
-	The desludging of any wastewater ponds at the premises	No less than 14 days prior.	None specified
-	Any failure or malfunction of any pollution control equipment or any incident which has caused, is causing or may cause pollution	As soon as practicable	N1

Note 1: No notification requirement in the Licence shall negate the requirement to comply with s72 of the Act.

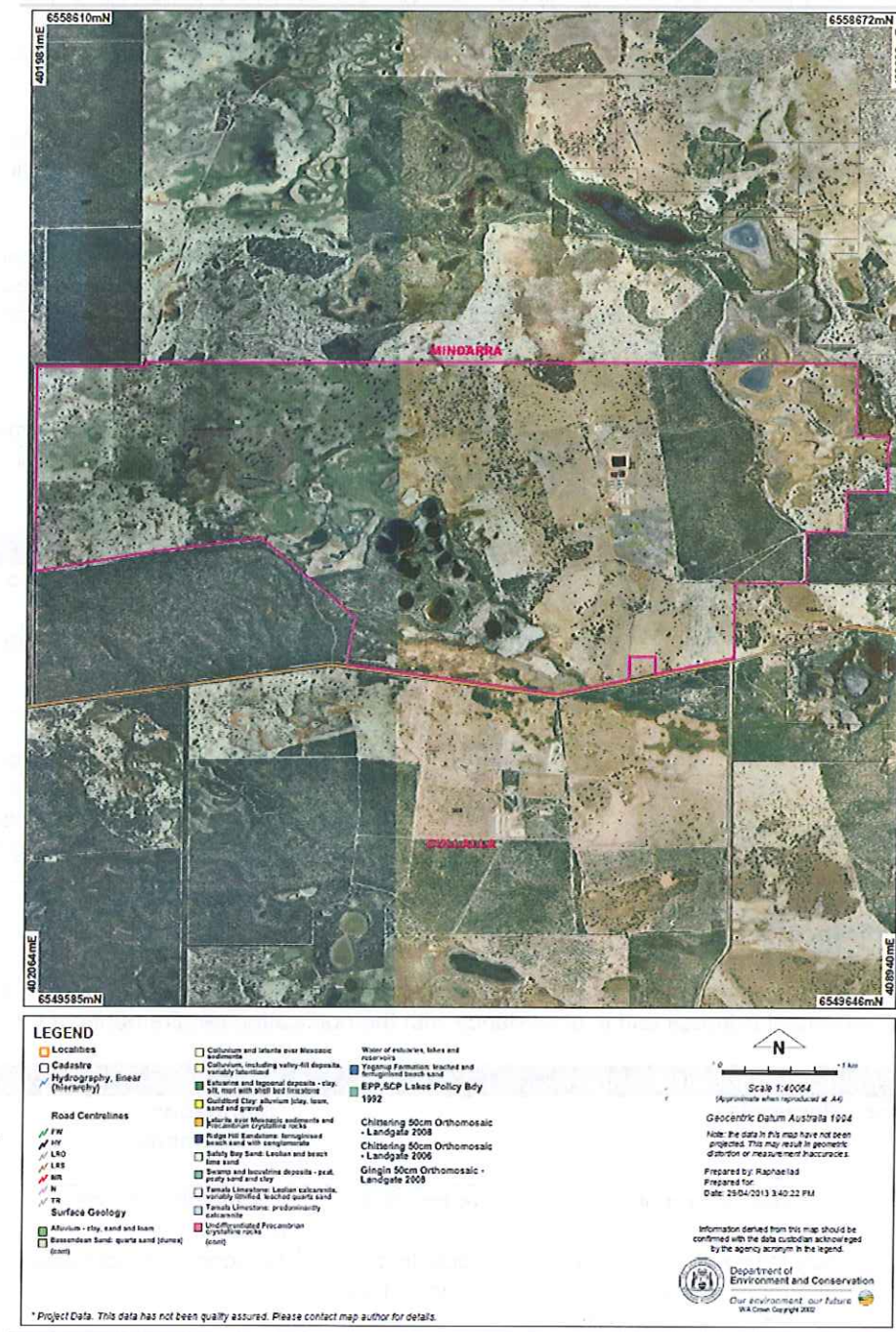
Note 2: Forms are in Schedule 2



Schedule 1: Maps

Premises map

The Premises is shown in the map below. The pink line depicts the Premises boundary.





Schedule 2: Reporting & notification forms

These forms are provided for the proponent to report monitoring and other data required by the Licence. They can be requested in an electronic format.

Copies of the original monitoring reports must also be submitted.

Licence: L5008/1991/13
Form: AACR
Name: Annual audit compliance report

Licensee: Kamarah Piggery
Period :

Annual audit compliance report

Section A: Statement of compliance with Licence conditions

Were all conditions of licence complied with within the reporting period?	
Yes	<input type="checkbox"/> Initial Sections A & B, then proceed to Section C
No	<input type="checkbox"/> Initial Section A, then proceed to Section B

Each page must be initialled by the person(s) who signs Section C of this annual audit compliance report (AACR).

Initial:



Section B: Details of non-compliance with Licence condition

a) Licence condition not complied with?	
b) Date(s) b) Date(s) and time(s) the non compliance occurred, if applicable?	
c) Was this non compliance reported to DEC?	
<input type="checkbox"/> Yes, and <input type="checkbox"/> Reported to DEC verbally Date <input type="checkbox"/> Reported to DEC in writing Date	<input type="checkbox"/> No
d) Has DEC taken, or finalised any action in relation to the non compliance?	
e) Summary of particulars of non compliance, and what was the environmental impact?	
f) If relevant, the precise location where the non compliance occurred (attach map or diagram)	
g) Cause of non compliance	
h) Action taken or that will be taken to mitigate any adverse effects of the non compliance	
i) Action taken or that will be taken to prevent recurrence of the non compliance	

Please use a separate page for each Licence condition that was not complied with. Each page must be initialled by the person(s) who signs Section C of this AACR

Initial:



Section C: Signature and certification

This AACR may only be signed by a person(s) with legal authority to sign it as defined below. Please tick the box next to the category that describes how this AACR is being signed. If you are uncertain about who is entitled to sign or which category to tick, please contact the licensing officer for your premises.

If the Licence holder is		The AACR must be signed and certified:
an individual	<input type="checkbox"/>	by the individual Licence holder, or
	<input type="checkbox"/>	by a person approved in writing by the Chief Executive Officer (CEO) of DEC to sign on the Licensee's behalf.
a corporation	<input type="checkbox"/>	by affixing the common seal of the Licensee in accordance with the Corporations Act 2001; or
	<input type="checkbox"/>	by two directors of the Licensee; or
	<input type="checkbox"/>	by a director and a company secretary of the Licensee, or
	<input type="checkbox"/>	if the Licensee is a proprietary company that has a sole director who is also the sole company secretary – by that director, or
	<input type="checkbox"/>	by the principal executive officer of the Licensee; or
	<input type="checkbox"/>	by a person with authority to sign on the Licensee's behalf who is approved in writing by the CEO of DEC.
A public authority (other than a local government)	<input type="checkbox"/>	by the principal executive officer of the Licensee; or
	<input type="checkbox"/>	by a person with authority to sign on the Licensee's behalf who is approved in writing by the CEO of DEC.
a local government	<input type="checkbox"/>	by the CEO of the Licensee; or
	<input type="checkbox"/>	by affixing the seal of the local government.

It is an offence under section 112 of the *Environmental Protection Act 1986* for a person to give information on this form that to their knowledge is false or misleading in a material particular. There is a maximum penalty of \$50,000 for an individual or body corporate.

I/We declare that the information in this AACR is correct and not false or misleading in a material particular.

Signature: _____ Signature: _____

Name: (printed) _____ Name: (printed) _____

Position: _____ Position: _____

Date: ____/____/____ Date: ____/____/____

Seal (if signing under seal)



Licence: L5008/1991/13
Form: N1

Licensee: Kamarah Piggery
Date of breach:

Notification of detection of the breach of a limit or any failure or malfunction of any pollution control equipment or any incident which has caused, is causing or may cause pollution.

These pages outline the information that the operator must provide.

Units of measurement used in information supplied under Part A and B requirements shall be appropriate to the circumstances of the emission. Where appropriate, a comparison should be made of actual emissions and authorised emission limits.

Part A

Licence Number	
Name of operator	
Location of Premises	
Time and date of the detection	

Notification requirements for the breach of a limit	
To be notified as soon as practicable and no later than 5PM of the next working day	
Emission point reference/ source	
Parameter(s)	
Limit	
Measured value	
Date and time of monitoring	
Measures taken, or intended to be taken, to stop the emission	

Notification requirements for any failure or malfunction of any pollution control equipment or any incident which has caused, is causing or may cause pollution	
To be notified as soon as practicable and no later than 5PM of the next working day	
Date and time of event	
Reference or description of the location of the event	
Description of where any release into the environment took place	
Substances potentially released	
Best estimate of the quantity or rate of release of substances	
Measures taken, or intended to be taken, to stop any emission	
Description of the failure or accident	



Part B - to be submitted as soon as practicable

Any more accurate information on the matters for notification under Part A.	
Measures taken, or intended to be taken, to prevent a recurrence of the incident	
Measures taken, or intended to be taken, to rectify, limit or prevent any pollution of the environment which has been or may be caused by the emission	
The dates of any unauthorised emissions from the installation in the preceding 24 months.	

Name*	
Post	
Signature on behalf of Kamarah Piggery	
Date	

