



Licence Number	L7352/1989/10
Licence Holder	Derby Industries Pty Ltd
ACN	009 033 612
Registered business address	6 Short Street FREMANTLE WA 6160
Date of amendment	11 January 2017
Prescribed Premises	Category 2: Intensive piggery Category 15: Abattoir
Premises	Linley Valley Pork Lot 7 on Diagram 45818, Lot 8 on Diagram 43110, Lot 10 on Plan 12508, Lot 421 on Plan 300357 and Lot 5485 on Plan 114980 Linley Valley Road WUNDOWIE WA 6560

Amendment

The Chief Executive Officer (CEO) of the Department of Environment Regulation (DER) has amended the above licence in accordance with section 59 of the *Environmental Protection Act 1986* as set out in this Amendment Notice.

Date signed: 11 January 2017

Jonathan Bailes

A/Senior Manager – Industry Regulation (Process Industries)

an officer delegated under section 20 of the Environmental Protection Act 1986 (WA)

Amendment Notice

This notice is issued under section 59 of the *Environmental Protection Act* 1986 (EP Act) to amend the licence issued under the EP Act for a prescribed premises as set out below. This notice of amendment is given under section 59B(9) of the EP Act.

Amendment Description

Derby Industries Pty Ltd (the Licence Holder) operates the Linley Valley Pork premises. The Licence Holder submitted an amendment application to DER on 28 June 2016 requesting that the wastewater treatment pond management condition 1.3.3 (h) is amended to allow the vegetation within the anaerobic ponds numbered 2 and 3 to remain.

The Licence Holder provided site information and justification for the requested amendment on the following grounds:

- The main vegetation present in anaerobic ponds 2 and 3, which has been identified as not meeting the requirements of condition 1.3.3 (h) during compliance inspections, is the tall, bulrush *Typha sp.* The Licence Holder has noted that the *Typha* bulrush (which has colonised significant areas of both anaerobic ponds) has been present in the ponds since they began operations at the Premises (pre-1986). The amendment application notes *Typha sp.* as being shallow rooted and its presence was highly unlikely to compromise the ponds containment integrity.
- Odour levels are currently under control within the existing ponds. This is attributed to the vegetation on the pond surfaces and inner pond embankments. Any requirement to remove the *Typha* may result in odour problems.
- A geotechnical investigation undertaken by CMW Geosciences in 2014 (subsequent to the breaching of the wall of anaerobic pond 1 in January 2014) is referenced as having identified that '*the anaerobic ponds are currently working well, as long as adequate maintenance works are continued to ensure that elevated water levels do not develop*', noting that elevated water levels would increase the risk of pond instability due to their high and steep embankments. Since the results of the geotechnical investigation were reported, elevated pond levels were experienced in anaerobic ponds 2 and 3; as a result, a secondary pipe was installed during 2015 as a management measure to ensure the ponds remain stable.
- Based on biannual 5-day Biological Oxygen Demand (BOD) water quality data from 2015, sampled from the last waste stabilisation (aerobic) pond in the system, the ponds are considered to be functioning well.

Decision

Based on the information provided by the Licence Holder, the Delegated Officer has revised the wording of the relevant pond management condition to distinguish the standard requirements for aerobic and anaerobic pond management.

The amendments apply standard wastewater pond management condition wording found on similar licensed premises, including the adjacent premises (El Caballo Golf Course – Licence L6736/1993/12), which is authorised to receive semi-treated wastewater from the Linley Valley Pork premises.

The Delegated Officer has determined that whilst there is no direct environmental risk associated with the requested amendment, a risk-based review of the licence is recommended based on the following grounds:

- In renewing the licence on 5 February 2015, whilst some amendments were applied, the risks associated with emissions and discharges from the premises were not reassessed at that time.
- Prior to the 2015 Licence reissue, a section of the anaerobic pond 1 wall was breached in January 2014, resulting in the discharge of approximately 10,000 kL of untreated wastewater to land and the adjacent Woorooloo Brook. This pond was subsequently taken offline in accordance with the licence renewed in February 2015.
- Subsequent to the anaerobic pond wall breach a geotechnical investigation was undertaken by CMW Geosciences which reported on the embankment stability of the ponds and concluded that:
 - i. the ponds have been constructed (over 40 years ago) by local cut fill earthworks most likely with limited material selection and compaction control; and
 - ii. a number of pond embankments were considered to provide a high level of risk with respect to slope instability.
- The 2015 Annual Environment Report (AER) for the adjacent El Caballo Golf Course premises reports that irrigation application rates for Total Nitrogen (TN) exceeded the licence loading limits and noted a trend in higher TN concentrations in the irrigation water since December 2013. The report recommends that the inflow of water to the site is reduced to prevent future exceedances of nutrient irrigation levels and that the ponds at the Linley Valley Pork premises are maintained to prevent further limit exceedances.

The Delegated Officer considers that whilst the Licence Holder has subsequently implemented the recommended pond structural upgrades and repairs, the age and construction of the ponds, the lack of any pond desludging and maintenance schedule, and the limited information available on local hydrogeology and groundwater quality, requires the licence to be reviewed. In particular, the risks associated with emissions to land, potential contamination of groundwater as a result of seepage from the ponds, and the risk of any further discharges to land and surface water resulting from a pond wall breach require review.

The licence review will be initiated and carried out in accordance with DER's published regulatory framework and *Guidance Statement: Risk Assessments* (November 2016).

Amendment History

Instrument	Issued	Amendment
L7352/1989/10	05/02/2015	Licence renewal
L7352/1989/10	29/04/2016	Licence amendment by notice to extend the licence duration to 12 February 2028.
L7352/1989/10	11/01/2017	Amendment Notice 1 Amendment to wastewater pond management conditions.

Amendment

1. Condition 1.3.3 of the licence is amended by the deletion of the text shown in strikethrough below and the insertion of the red text shown in underline below:
 - 1.3.3 *The Licensee shall manage all wastewater treatment ponds such that:*
 - (a) *overtopping of the waste water treatment ponds does not occur;*
 - (b) *a minimum top of embankment freeboard of 600mm is maintained for Ponds 2 and 3;*
 - (c) *a minimum top of embankment freeboard of 1 metre is maintained for Ponds 4, 5, 6, 7 and 9;*
 - (d) *stormwater runoff is prevented from causing erosion of outer pond embankments;*
 - (e) *there is no discernible seepage loss of waste water treatment ponds;*
 - (f) *the integrity of the containment infrastructure is maintained;*
 - (g) *trapped overflows are maintained on the outlet of ponds to prevent carry-over of surface floating matter; and*
 - (h) ~~*vegetation and floating debris (emergent or otherwise) is prevented from encroaching onto pond surfaces or on inner pond embankments*~~ *shall not interfere with the integrity of pond walls or mask overtopping or other leakage.*
 - (i) *vegetation on anaerobic Ponds 2 and 3 does not interfere with the integrity of the crust; and*
 - (j) *aerobic wastewater pond surfaces are kept clear of floating matter and algal mats.*