



Decision Document

Environmental Protection Act 1986, Part V

Proponent: **Bendotti Exporters Pty Ltd**

Licence: **L8796/2013/1**

Registered office: Lot 689 on Plan 175853
MANJIMUP WA 6258

ACN: 099 895 904

Premises address: WA Chips
Lot 689 on Plan 175853
Franklin Street
MANJIMUP WA 6258
as depicted in Schedule 1

Issue date: Friday, 14 March 2014

Commencement date: Friday, 14 March 2014

Expiry date: Wednesday, 13 March 2019

Decision

Based on the assessment detailed in this document, the Department of Environment Regulation (DER), has decided to issue a licence. DER considers that in reaching this decision, it has taken into account all relevant considerations and legal requirements and that the Licence and its conditions will ensure that an appropriate level of environmental protection is provided.

Decision Document prepared by: Peter van Schoubroeck
Regional Environmental Officer

Decision Document authorised by: Caron Goodbourn
Regional Leader



Contents

Decision Document	1
Contents	2
1 Purpose of this Document	2
2 Administrative summary	3
3 Executive summary of proposal	4
4 Decision table	5
5 Advertisement and consultation table	10
6 Emissions and Discharges Risk Assessment Matrix	11

1 Purpose of this Document

This Decision Document explains how DER has assessed and determined the application for a works approval or licence, and provides a record of DER's decision-making process and how relevant factors have been taken into account. Stakeholders should note that this document is limited to DER's assessment and decision making under Part V of the *Environmental Protection Act 1986*. Other approvals may be required for the proposal, and it is the proponent's responsibility to ensure they have all relevant approvals for their Premises.

Works approval and licence conditions

DER has three types of conditions that may be imposed on works approvals and licences. They are as follows;

Standard conditions (SC)

DER has standard conditions that are imposed on all works approvals and licences regardless of the activities undertaken on the Premises and the information provided in the application. These are included as the following conditions on works approvals and licences:

Works approval conditions: 1.1.1-1.1.3, 1.2.1, 1.2.2, 5.1.1 and 5.1.2.

Licence conditions: 1.1.1-1.1.4, 1.2.1-1.2.4, 5.1.1-5.1.4 and 5.2.1.

For such conditions, justification within the Decision Document is not provided.

Optional standard conditions (OSC)

In the interests of regulatory consistency DER has a set of optional standard conditions that can be imposed on works approvals and licences. DER will include optional standard conditions as necessary, and are likely to constitute the majority of conditions in any licence. The inclusion of any optional standard conditions is justified in Section 4 of this document.

Non standard conditions (NSC)

Where the proposed activities require conditions outside the standard conditions suite DER will impose one or more non-standard conditions. These include both premises and sector specific conditions, and are likely to occur within few licences. Where used, justification for the application of these conditions will be included in Section 4.



2 Administrative summary

Administrative details	
Application type	Works Approval <input type="checkbox"/> New Licence <input checked="" type="checkbox"/> Licence amendment <input type="checkbox"/> Works Approval amendment <input type="checkbox"/>
Activities that cause the premises to become prescribed premises	Category number(s) 18
	Design capacity Design 16,000 tonnes per annual period; Approved 8,000 tonnes per year
Application verified	Date: 21/10/2013
Application fee paid	Date: 29/10/2013
Works Approval has been complied with	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/>
Compliance Certificate received	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/>
Commercial-in-confidence claim	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Commercial-in-confidence claim outcome	Not applicable
Is the proposal a Major Resource Project?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Was the proposal referred to the Environmental Protection Authority (EPA) under Part IV of the <i>Environmental Protection Act 1986</i> ?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Referral decision No: Managed under Part V <input type="checkbox"/> Assessed under Part IV <input type="checkbox"/>
Is the proposal subject to Ministerial Conditions?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Ministerial statement No: EPA Report No:
Does the proposal involve a discharge of waste into a designated area (as defined in section 57 of the <i>Environmental Protection Act 1986</i>)?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Department of Water consulted Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Is the Premises within an Environmental Protection Policy (EPP) Area	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Is the Premises subject to any EPP requirements?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>



3 Executive summary of proposal

Bendotti Exporters Pty Ltd holds interests in multiple agricultural activities in and around the Shire of Manjimup. The WA Chip Premises, covering 21.7 hectares, was purchased by Bendotti Exporters Pty Ltd in 2002. Potatoes are processed into chips and wedges annually from January to October from about 20,000 tonnes of locally sourced product. Currently about 12,000 tonnes of the product is not processed, being whole potatoes packaged direct for market. The remaining 8,000 tonnes are processed into chip and wedge products. The Premises has a maximum processing capacity of about 16,000 tonnes/ year. A gas powered fuel burner on the Premises has a maximum consumption rate of about 252.489 kg/ hour, below the capacity required for registration under the *Environmental Protection Regulations 1987* category 87 Fuel burning.

The Premises resides within the Shire of Manjimup industrial zone approximately 2.5 km south of the centre of the Manjimup town site. A minor perennial watercourse, Smith Brook, travels west to east through the northern section of the premises. A database search shows that there are no wetlands of significance, threatened or priority flora, threatened fauna or threatened ecological sites within or proximate to the Premises. The Premises is within a 'yet to be assigned' priority area for the Public Drinking Water Source 'Warren River Water Reserve; a proclaimed Surface Water Area under the *Rights in Water and Irrigation Act 1914*; and falls within a Zone C Recovery Catchment proclaimed under the *Country Area Water Supply Act 1947*.

Water is sourced from the Smith Brook dam which has a capacity of about 24 ML. Bendotti Exporters Pty Ltd also holds a water licence to extract from the Smith Brook. Water is chlorinated and sand filtered before use. Wastewater is generated from the processing of potatoes (~10 kL a day four days per week) and a weekly clean-up day of the processing area (~40 kL one day per week). This equates to about 1950 kL of wastewater generated annually. All wastewater streams are directed to the wastewater treatment system which comprises a High density polyethylene lined bulk volume fermenter (BVF) treatment system; an aeration pond (2,500 m² by 10 m deep) operating on eight cycles per day (one hour on, two hours off); a transfer tank; a series of three facultative ponds (each 4,000 m² by 6 m deep); with treated wastewater discharged, from a pipe to land adjacent Smith Brook, upstream of the Smith Brook Dam. The wastewater treatment system has the capacity for recirculation of wastewater from the transfer tank and the final facultative pond back to the BVF. Solid organic wastes, about 800 tonnes (10%) of skins and chip solids, are directed to the wastewater separator prior to disposal offsite as stock feed.

The Premises has been operating for many years without an *Environmental Protection Act 1986* Part V licence. A series of conditions are required under an environmental improvement program to ensure the Licensee is managing the discharge of wastewater to an acceptable standard. A review of the licence and progress on environmental improvement program will be required within three years.



4 Decision table

All applications are assessed under the *Environmental Protection Act 1986*, the *Environmental Protection Regulations 1987* and the risk matrix attached to this Decision Document in Section 6. Where other references have been used in making the decision they are detailed in the decision table.

DECISION TABLE				
Works Approval / Licence section	Condition number W = Works Approval L = Licence	OSC or NSC	Justification (including risk description & decision methodology where relevant)	Reference documents
General conditions	L1.2.5; L1.3.1; L1.3.2; and L1.3.3	NSC	<p>Operation</p> <p><i>Emission Significance – 2</i></p> <p><i>Socio-political context – Low concern or interest.</i></p> <p><i>Risk Assessment – D – licence conditions</i></p> <p>NSC 1.2.5 has been included to account for potentially contaminated stormwater that is directed through the waste water treatment system facultative ponds. The premises currently directs the majority of stormwater to the facultative ponds, this practice may require review as discharge water quality data becomes available. NSC 1.3.1 has been included to restrict production beyond current volumes until the effectiveness of the wastewater treatment system can be determined and any improvements that may be required are made. NSC 1.3.2 has been included to ensure that the wastewater treatment system is maintained to minimise the risk of discharge to the environment of wastewater that has not been adequately treated. NSC 1.3.3 has been included to ensure all solid organic wastes are dewatered prior to off-site disposal.</p>	General provisions of the <i>Environmental Protection Act 1986</i>



DECISION TABLE

Works Approval / Licence section	Condition number W = Works Approval L = Licence	OSC or NSC	Justification (including risk description & decision methodology where relevant)	Reference documents
Emissions general	L2.1.1	OSC	<p>Operation <i>Emission Significance – 2</i> <i>Socio-political context – Low concern or interest.</i> <i>Risk Assessment – D – licence conditions</i> No data is available to determine the quality and quantity of wastewater being discharged to the environment. Descriptive targets will be set through OSC 2.5.1 to ensure wastewater discharged to the environment is being treated to an acceptable standard once monitoring is initiated. OSC 2.1.1 will require any failure to meet the treatment targets to be investigated and support possible improvements in the wastewater treatment process.</p>	General provisions of the <i>Environmental Protection Act 1986</i>
Point source emissions to air including monitoring	N/A	N/A	<p>Operation No point source emissions to air are expected from the Premises that require licence conditions</p>	General provisions of the <i>Environmental Protection Act 1986</i>
Point source emissions to surface water including monitoring	N/A	N/A	<p>Operation No point source emissions to surface water are expected from the Premises that require licence conditions</p>	General provisions of the <i>Environmental Protection Act 1986</i>
Point source emissions to groundwater including monitoring	N/A	N/A	<p>Operation No point source emissions to ground water are expected from the Premises that require licence conditions</p>	General provisions of the <i>Environmental Protection Act 1986</i>



DECISION TABLE

Works Approval / Licence section	Condition number W = Works Approval L = Licence	OSC or NSC	Justification (including risk description & decision methodology where relevant)	Reference documents
Emissions to land including monitoring	L2.5.1; L2.5.2; and L3.5.1	N/A	<p>Operation <i>Emission Significance – 2</i> <i>Socio-political context – Low concern or interest.</i> <i>Risk Assessment – D – licence conditions</i> Treated wastewater is discharged from the final facultative pond from a pipe to the land adjacent the Smith Brook. No data is available to determine the quality and quantity of wastewater being discharged to the environment. OSC 2.5.1 and L2.5.2 have been included to ensure wastewater discharged to the environment is being treated to an acceptable standard (once monitoring is initiated). Targets have been assigned based on the original designed treatment standard for the system, when the Premises was operated by Simplot Australia Pty Ltd. A review of the targets will be required once a review of the wastewater treatment system is completed under OSC 4.1.2. OSC 3.5.1 has been included to ensure the quality and quantity of wastewater being discharged to the environment is monitored.</p>	General provisions of the <i>Environmental Protection Act 1986</i>
	N/A	N/A	<p>Operation No fugitive emissions are expected from the Premises that require licence conditions</p>	General provisions of the <i>Environmental Protection Act 1986</i>
	N/A	N/A	<p>Operation No odour emissions are possible but not expected from the Premises that require licence conditions. The BVF does not currently receive enough wastewater to operate and generate significant air emissions.</p>	General provisions of the <i>Environmental Protection Act 1986</i>
	N/A	N/A	<p>Operation No noise emissions are expected from the Premises that require licence conditions</p>	<i>Environmental Protection (Noise) Regulations 1997</i>



DECISION TABLE

Works Approval / Licence section	Condition number W = Works Approval L = Licence	OSC or NSC	Justification (including risk description & decision methodology where relevant)	Reference documents
Monitoring general	L3.1.1; and L3.1.2	OSC	<p>Operation <i>Emission Significance</i> – 2 <i>Socio-political context</i> – Low concern or interest. <i>Risk Assessment</i> – D – licence conditions Monitoring of the quality and quantity of wastewater discharged to the environment and the groundwater adjacent the facultative ponds will be required. OSC 3.1.1 and 3.1.2 have been included to ensure monitoring is undertaken following the appropriate standards and at appropriate time intervals.</p>	General provisions of the <i>Environmental Protection Act 1986</i>
Monitoring of inputs and outputs	L3.6.1	OSC	<p>Operation Monitoring of the volume of water used, wastewater generated, volume of potatoes received and processed will be required. OSC 3.6.1 has been included to allow: the comparison of water used, wastewater volumes generated with volumes of wastewater discharged to the environment to support a basic water balance assessment; and ensure processing limits are not exceeded and support capacity assessments.</p>	General provisions of the <i>Environmental Protection Act 1986</i>
Process monitoring	N/A	N/A	<p>Operation No emissions are expected from the Premises that require process monitoring licence conditions</p>	General provisions of the <i>Environmental Protection Act 1986</i>
Ambient quality monitoring	L3.8.1	OSC	<p>Operation <i>Emission Significance</i> – 2 <i>Socio-political context</i> – Low concern or interest. <i>Risk Assessment</i> – D – licence conditions Wastewater is treated through a series of three clay lined facultative ponds. OSC 3.8.1 will require monitoring of groundwater to indicate if seepage from the facultative ponds is impacting the local groundwater. The permeability of the pond clay liners is not currently known. Surface water quality of the Smith Brook Dam will require monitoring to determine the Premises discharge water quality in relationship to the receiving environment.</p>	General provisions of the <i>Environmental Protection Act 1986</i>



DECISION TABLE				
Works Approval / Licence section	Condition number W = Works Approval L = Licence	OSC or NSC	Justification (including risk description & decision methodology where relevant)	Reference documents
Meteorological monitoring	N/A	N/A	<p>Operation No emissions are expected from the Premises that require meteorological monitoring licence conditions</p> <p>Operation <i>Emission Significance – 2</i> <i>Socio-political context – Low concern or interest.</i> <i>Risk Assessment – D – licence conditions</i> No data is available to determine the quality and quantity of wastewater being discharged to the environment. OSC 4.1.1 and 4.1.2 requires a series of improvements to be undertaken. IR1 requires a volumetric flow meter to be commissioned to allow the volume of wastewater discharged to the environment to be determined. IR2 requires a minimum of three groundwater monitoring bores be installed to indicate if seepage from the treatment ponds is impacting the local groundwater. IR3 requires the Licensee to assess premises operations, monitoring data and the effectiveness of the wastewater treatment system following about one year of data and to assist in the determination of any further improvements being required.</p>	<p>General provisions of the <i>Environmental Protection Act 1986</i></p> <p>General provisions of the <i>Environmental Protection Act 1986</i></p>
Improvements	L4.1.1; and 4.1.2	OSC		
Information	L5.2.2 and L5.3.1	OSC	<p>Operation OSC 5.2.2 has been included to ensure an assessment of the monitoring results can be undertaken, monitoring reports can be identified and verified as required and contaminant loads are calculated and reported upon. OSC 5.3.1 has been included to ensure any problems with the wastewater treatment system can be readily identified and any problems with the wastewater treatment system can be cross referenced with monitoring data.</p>	<p>General provisions of the <i>Environmental Protection Act 1986</i></p>



5 Advertisement and consultation table

Date	Event	Comments received/Notes	How comments were taken into consideration
04/11/2013	Application advertised in West Australian (or other relevant newspaper)	None applicable	None applicable
24/01/2014 and 06/02/2014	Application referred to interested parties listed: <ul style="list-style-type: none">• Department of Water.• Neighbouring catchment properties	Comment regarding discharge quality and monitoring requirements	Amendment made to monitoring and reporting requirements
06/02/2014	Proponent sent a copy of draft instrument	None applicable	None applicable
17/03/2014	Issuing of amended instrument was advertised in West Australian		



6 Emissions and Discharges Risk Assessment Matrix

Note: These matrix are taken from the DEC Officer's Guide to Emissions and Discharges Risk Assessment (2006).

Table 3: Measures of Significance of Emissions

Emissions as a percentage of the relevant emission or ambient standard		Worst Case Operating Conditions (95 th Percentile)			
		>100%	50 – 100%	20 – 50%	<20%*
Normal Operating Conditions (50 th Percentile)	>100%	5	N/A	N/A	N/A
	50 – 100%	4	3	N/A	N/A
	20 – 50%	4	3	2	N/A
	<20%*	3	3	2	1

*For reliable technology, this figure could increase to 30%

Table 4: Socio-Political Context of Each Regulated Emission

		Relative proximity of the interested party with regards to the emission				
		Immediately Adjacent	Adjacent	Nearby	Distant	Isolated
Level of Community Interest or Concern*	5	High	High	Medium High	Medium	Low
	4	High	High	Medium High	Medium	Low
	3	Medium High	Medium High	Medium	Low	No
	2	Low	Low	Low	Low	No
	1	No	No	No	No	No

Note: These examples are not exclusive and professional judgement is needed to evaluate each specific case

*This is determined by DER using the *Officer's Guide to Emissions and Discharges Risk Assessment* (2006).

Table 5: Emissions Risk Reduction Matrix

		Significance of Emissions				
		5	4	3	2	1
Socio-Political Context	High	A	A	B	C	D
	Medium High	A	A	B	C	D
	Medium	A	B	B	D	E
	Low	A	B	C	D	E
	No	B	C	D	E	E

PRIORITY MATRIX ACTION DESCRIPTORS

A = Do not allow (fix)

B = licence condition (setting limits + EMPs - short timeframes) (setting targets optional)

C = licence condition (setting targets + EMPs - longer timeframes)

D = EIPs, other management mechanisms/licence conditions (monitoring/reporting)/other regulatory tools

E = No regulation, other management mechanisms