

## Annual Audit Compliance Report Form

*Environmental Protection Act 1986, Part V Division 3*

Once completed, please submit this form either via email to [info@dwer.wa.gov.au](mailto:info@dwer.wa.gov.au), or to the below postal address:

Department of Water and Environmental Regulation  
 Locked Bag 10  
 Joondalup DC WA 6919

Section A – Licence details			
Licence number:	L8796/2013/1	Licence file number:	2011/004646-1
Licence holder name:	BENDOTTI EXPORTERS PTY LTD		
Trading as:	WA CHIP		
ACN:	099 895 904		
Registered business address:	Lot 689 on Deposited Plan 175853		
Reporting period:	01 / 01 /2020 to 31 / 12 /2020		

Section B – Statement of compliance with licence conditions
Did you comply with all of your licence conditions during the reporting period? (please tick the appropriate box)
<input type="checkbox"/> Yes – please complete: <ul style="list-style-type: none"> <li>• section C;</li> <li>• section D (if required); and</li> <li>• sign the declaration in Section F.</li> </ul>
<input checked="" type="checkbox"/> No – please complete: <ul style="list-style-type: none"> <li>• section C;</li> <li>• section D (if required);</li> <li>• section E; and</li> <li>• sign the declaration in Section F.</li> </ul>

Section C – Statement of actual production	
Provide the actual production quantity for this reporting period. Supporting documentation is to be attached.	
Prescribed premises category	Actual production quantity
Per Initial Licence allocated Cat 18.<=8,000Tpa Per ILS submission and payment Cat 18 >10000 but >100,000T	9,192

Section D – Statement of actual Part 2 waste discharge quantity	
Provide the actual Part 2 waste discharge quantity for this reporting period. Supporting documentation is to be attached.	
Prescribed premises category	Actual Part 2 waste discharge quantity

Section E – Details of non-compliance with licence condition			
Please use a separate page for each condition with which the licence holder was non-compliant at a time during the reporting period.			
Condition no:	1.3.1	Date(s) of non-compliance:	Aug & Nov & Dec 2020
Details of non-compliance:			
Processing of potatoes in excess of the Licence 8,000T limit Refer to Appendix A attached.			
What was the actual (or suspected) environmental impact of the non-compliance? <b>NOTE</b> – please attach maps or diagrams to provide insight into the precise location of where the non-compliance took place.			
Cause (or suspected cause) of non-compliance:			
Refer to Appendix A attached.			
Action taken to mitigate any adverse effects of non-compliance and prevent recurrence of the non-compliance:			
As the Licence Holder did not realise the processing limit was breached, no action was taken to reject or dump incoming contracted potatoes.			
Was this non-compliance previously reported to DWER?			
<input checked="" type="checkbox"/> Yes, via the AER Table 5 alone			
<input type="checkbox"/> Reported to DWER verbally		Date: / /	
<input type="checkbox"/> Reported to DWER in writing		Date: 31/03/2021 AER email submission date	

**Section E – Details of non-compliance with licence condition**

**Please use a separate page for each condition with which the licence holder was non-compliant at a time during the reporting period.**

Condition no:	2.5.2	Date(s) of non-compliance:	2020, months indicated with each Parameter
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Details of non-compliance: Exceeding Parameter Targets in Item 2.5.2

Parameter	Months non-compliant
TN	Feb, Mar, Apr, May, Jun, Jul, Aug, Sept, Nov, Dec.
TP	Jan, Feb, Apr, May, Jun, Jul, Aug, Sept, Oct, Nov, Dec.
TSS	Jan, Mar, May, Jul, Aug, Sept, Nov,
PH	Feb, Oct, Nov, Dec.
TDS	Jan, Feb, Mar, Apr, May, Jun, Jul, Sept, Oct, Nov, Dec.
O&G	Jan, Feb, Mar, Apr, May, Jun, Jul, Aug, Sept, Oct, Nov, Dec.
BOD	Jan, Apr, May, Jul, Aug, Sept.

Refer to Appendix B attached.

What was the actual (or suspected) environmental impact of the non-compliance?  
**NOTE** – please attach maps or diagrams to provide insight into the precise location of where the non-compliance took place.

Minimal. Long term analyte monitoring in downstream SmithBrook dam shows no diverging trends.

Cause (or suspected cause) of non-compliance:

Action taken to mitigate any adverse effects of non-compliance and prevent recurrence of the non-compliance:

Was this non-compliance previously reported to DWER?

via the AER Table 3 alone

Reported to DWER verbally      Date:    /    /

Reported to DWER in writing      Date: 31/03/2021    AER email submission date

Section E – Details of non-compliance with licence condition			
Please use a separate page for each condition with which the licence holder was non-compliant at a time during the reporting period.			
Condition no:	5.1.3	Date(s) of non-compliance:	31 March 2021
Details of non-compliance:			
Reported AACR as a reporting failure item 5.2.1 but have been instructed by DWER that it is in fact an item 5.1.3			
What was the actual (or suspected) environmental impact of the non-compliance? <b>NOTE</b> – please attach maps or diagrams to provide insight into the precise location of where the non-compliance took place.			
Nil			
Cause (or suspected cause) of non-compliance:			
Licence Holder misinterpretation that a missing AACR was actually an AER item.			
Action taken to mitigate any adverse effects of non-compliance and prevent recurrence of the non-compliance:			
Corrected here when identified by DWER officer			
Was this non-compliance previously reported to DWER?			
<input type="checkbox"/> No, and			
<input type="checkbox"/> Reported to DWER verbally		Date: / /	
<input checked="" type="checkbox"/> Reported to DWER in writing		Date: / / Via AACR submitted with AER	

## **AACR Appendix A 3/8/22**

### Section E Details of Non-Compliance

Processing of potatoes in excess of 8,000 tonnes and exceedance of analyte licence target levels.

#### Cause Of Noncompliance

Misinterpretation by the Licence Holder that Amendment Notice 1, 18 Nov 2018, and the acceptance of the 2018 ILS using the 10,000 to 100,000Tonnes category noting substantial increase in fees paid to DWER, was not in fact specific approval to increase annual processing tonnes.

On 25 of November 2017 Mr Charles Williams attended a meeting with Mr Jonathon Bailes to bring us into compliance and address the fact the 8,000tonnes was well below the facilities installed capacity.

A further exacerbating factor was the fact that production output at that specific time was nearing the licence upper threshold and notice had been given by a DWR officer that no leniency would be given to Bendotti Pty Ltd in respect to the licence annual imit.

This delivered the prospect of the site having to close and staff to be laid off until the commencement of the next annual period.

During the meeting it was requested therefore that the consequences of the above outlined prospect be considered along with a request to increase licence upper limit (10,000 tonnes) which was subsequently verbally granted which it is conceded was not reflected in the subsequent licence amendment granted.

It is therefore acknowledged our misinterpretation and oversight is our mistake and we do not seek to defer blame or responsibility onto the DWER or it's officers.

In response Mr Corey Bovin email of 13 July 2022 he makes mention in table 1 which describe a number of non-compliances which with reference to the Bendotti Licence L8796 relate para 2.5.2 emission targets to land which have exceeded the specified Target limits and are non-compliant with licence requirements

May we respectfully seek clarification on this as we are not aware that exceedances of target limits are licence non compliances as they are not actually specified licence limits but target limits per se.

Examples of this are offered and can be demonstrated with examples in current DWER licences

**AACR Appendix B 3/8/22**

**Section E**

**L1 AACR Table 1 Item 2.5.2 – Over Target Emissions for 2020**

	TN	Total P	TSS	pH	TDS	Oil & Grease	BOD
	mg/L	mg/L	mg/l	pH units	mg/L	mg/l	mg/l
	10.0	2.0	80.0	6 -8.5	1,000.0	5.0	40.0
Jan 2020		-0.72	-183.00		-770.00	-22.00	-4.70
Feb 2020	-1.65	-1.65		8.70	-880.00	-11.00	
Mar 2020	-10.87		-112.00		-30.00	-14.00	
Apr 2020	-6.70	-10.41			-300.00	-5.00	-3.00
May 2020	-8.50	-2.47	-76.00		-170.00	-19.00	-7.00
Jun 2020	-10.87	-1.87			-30.00	-6.00	
Jul 2020	-10.02	-9.30	-56.00		-60.00	-30.00	-0.10
Aug 2020	-12.89	-9.95	-73.00			-32.00	-13.70
Sep 2020	-8.60	-8.25	-56.00		-70.00	-35.00	-29.60
Oct 2020		-14.19		9.50	-420.00	-34.00	
Nov 2020	-5.53	-14.68	-54.00	8.60	-500.00	-9.00	
Dec 2020	-8.57	-15.67		8.90	-480.00	-15.00	

Quantity target exceed  
by

Department of Water and Environmental Regulation

I / We declare that the information in this Annual Audit Compliance Report is true and correct and is not false or misleading in a material particular<sup>1</sup>.

I / We consent to the Annual Audit Compliance Report being published on the Department of Water and Environmental Regulation's (DWER) website.

Signature <sup>2</sup> :		Signature:	
Name: (printed)		Name: (printed)	
Position:		Position:	
Date:		Date:	
	4/8/2022		
Seal (if signing under seal):			

<sup>1</sup> 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.

<sup>2</sup> AACRs can only be signed by the licence holder or an authorised person with the legal authority to sign on behalf of the licence holder.