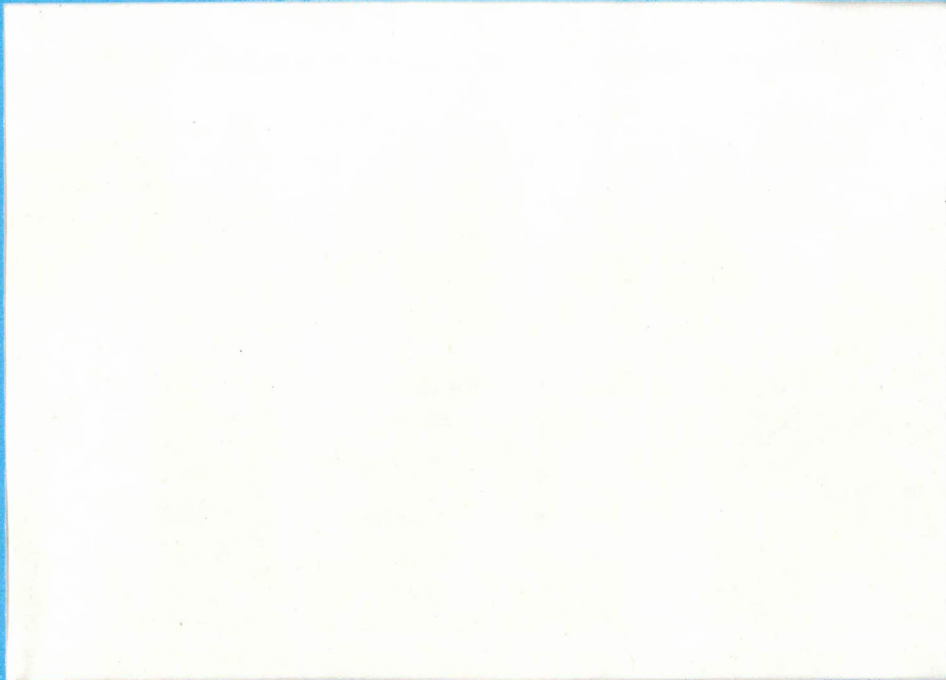


SER/NSWEPA  
CAR/WES

# Environment Protection Authority



## COMPLIANCE AUDIT PROGRAM



ENVIRONMENT PROTECTION AUTHORITY

Environment  
Protection  
Authority  
New South Wales

ENVIRONMENT PROTECTION AUTHORITY  
THE EPA IS PART OF THE DEPARTMENT OF ENVIRONMENT  
AND CONSERVATION

WEST, Tony

FINAL

COMPLIANCE AUDIT REPORT

"BELLEVUE" PIGGERY

YOUNG NSW

November 2003



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## EXECUTIVE SUMMARY

An EPA Compliance Audit was undertaken at "Bellevue" Piggery located at Wests Lane, Young. The site was audited as part of a statewide program of compliance audit. The main objectives of the audit were to assess compliance with the statutory requirements administered by the EPA and make recommendations for an action program to address non-compliance identified during the audit and identify areas for improvement of environmental performance.

Assessment of compliance was undertaken by a detailed audit inspection, information supplied by the enterprise, and a review of records and documentation relating to the premises. The procedures and protocols for conducting compliance audits are detailed in the EPA Compliance Audit Handbook. The audit inspection was carried out by officers of the EPA on 18 June 2003.

The findings of the audit indicate that the licensee was not complying with two of the conditions attached to the Environment Protection Licence issued under the Protection of the Environment Operations Act (POEO), 1997.

The non-compliances identified during the audit involved the volume of liquids applied, in any one day, to the utilisation area exceeding the licence limit and not notifying the public of the complaints line.

A risk assessment of non-compliances is used to colour code non-compliances according to their environmental significance and an action program developed. The action program includes a timeframe for non-compliances to be addressed to ensure that the licensee deals with issues raised through the audit process in a timely manner (Table 3.1).

While the risk assessment of non-compliances is used to prioritise actions to be taken, the EPA considers all non-compliances are important and licensees must ensure that all non-compliances are addressed as soon as possible.

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## 1.0 INTRODUCTION

An EPA Compliance Audit has been undertaken in relation to "Bellevue" Piggery operated by Mr Tony West, as part of a statewide program of compliance audits. The audit inspection was undertaken on 18 June 2003.

The procedures and processes for conducting EPA Compliance Audits are detailed in the *EPA Compliance Audit Handbook*.

This report has been prepared to present the findings of the audit carried out and no responsibility is accepted for its use in any other context, or for any other purpose.

### 1.1 Audit Objective

The objectives of the audit were:

- to determine whether the enterprise has the appropriate statutory instruments required under the Protection of the Environment Operations Act (POEO Act);
- to determine whether the enterprise is complying with all licensing requirements of the POEO Act;
- to outline a time frame for follow-up action to address any non-compliances identified during the audit.

### 1.2 Scope of the Audit

The scope of the audit was limited to an examination of the activities undertaken at "Bellevue" Piggery operated by Mr Tony West.

The audit period adopted for assessment of compliance of activities undertaken at the above premise is as follows:

- Operational and General Conditions - 24 hours prior to the end of the audit inspection;
- All other conditions - 12 months prior to the date of the audit inspection.

Activities examined during the audit included:

- Operational activities;
- Effluent management;
- Utilisation area; and
- Odour management

### 1.3 Audit criteria, evidence and findings

Audit criteria (the requirements against which the auditor compares collected audit evidence) comprised the requirements of the licence issued under the POEO Act for "Bellevue" Piggery

operated by Mr Tony West. Audit criteria may include any document referred to by the licence, or any material relevant to a particular condition of the licence.

Audit evidence was collected during discussions with site personnel, examination of documentation provided by the licensee and/or contained on EPA files, together with observations made during the audit inspection.

Findings of non-compliance with licence conditions are summarised in an action program, with a time frame for follow-up action necessary to comply with the licence condition concerned.

#### **1.4 Premises and Process Description**

The premise subject to this audit is located at 465 Wests Lane, approximately 30km West of Young. The premises covers an area of approximately 360 hectares, the area devoted to the piggery facility is approximately 2 hectares including sheds, ponds and solid waste pile. The surrounding land use is farmland and the closest neighbour is approximately 2 km from the piggery. The piggery accommodates between 1,800 and 2,000 pigs at any one time, including up to 200 sows. There are no significant waterways within the vicinity of the piggery, and due to the current drought conditions a nearby small creek was completely dry.

The licensee operates the piggery facility at a capacity at or below Schedule 1 of the POEO Act 1997 threshold to hold an EPA licence.

Two eco-pens, that have been in operation for 4 years, house approximately 70 pigs each. Fresh straw is added to the pens every couple of days. The pens are cleaned after 14 weeks, when the pigs are taken to market. The straw is composted on a compacted earth pad and spread on a neighbouring property.

Due to the drought the licensee has had to regularly cart water from Young to water the pigs and for flushing the finisher shed, two porker sheds and weaner room. At a minimum approximately 4,000L a day is required for flushing purposes. The four separate pig sheds drain to an effluent holding tank with a capacity of 90,000L. The licensee pumps directly from the effluent holding tank using a 14,000L tanker to spray the effluent over the entire property on a rotating basis.

If necessary the licensee is able to pump effluent from the holding tank into one of two ponds, each of which have the dimensions 50 x 100 x 1 m. The ponds generally dry up over summer, the effluent is dredged and stored on site to dry completely before being spread and incorporated into pasture for cropping on the licensee's property. The pond currently in operation was a pink/purplish colour indicating that it was working effectively.

### 1.5 Statutory Instruments Issued to the Enterprise

The EPA has issued the following statutory instruments to the enterprise that were enforced during the past 12 months:

Licence number **1412** issued under the Protection of the Environment Operations Act 1997. The licence is for Livestock Intensive Industries – pig (*live weight capacity to accommodate 0-250*). The anniversary date for the licence is 1 December. A copy of the licence is attached in **Appendix A**.

### 1.6 Risk Assessment of Non-compliances

The significance of any non-compliances identified during the audit process are categorised. Following risk assessment for non-compliances, an escalating response relative to the seriousness of the non-compliance is determined to ensure the non-compliance is addressed by the enterprise.

The risk assessment of non-compliances involves assessment of the non-compliance against two criteria; the likelihood of environmental harm occurring and the level of environmental impact as a result of the non-compliance. After these assessments have been made, information is transferred into the risk analysis matrix below.

		<b>Likelihood of Environmental Harm Occurring</b>		
		<b>Certain</b>	<b>Likely</b>	<b>Less Likely</b>
<b>Level of Environmental Impact</b>	<b>High</b>	<b>Code Red</b>	<b>Code Red</b>	<b>Code Orange</b>
	<b>Moderate</b>	<b>Code Red</b>	<b>Code Orange</b>	<b>Code Yellow</b>
	<b>Low</b>	<b>Code Orange</b>	<b>Code Yellow</b>	<b>Code Yellow</b>

The assessment of the likelihood of environmental harm occurring and the level of environmental impact allows for the risk assessment of the non-compliance via a colour coding system. A red risk assessment for non-compliance denotes that the non-compliance is of considerable environmental significance and therefore must be dealt with as a matter of priority. A yellow risk assessment for non-compliance indicates that the non-compliance could receive a lower priority but must be addressed.

There are also a number of licence conditions that do not have a direct environmental significance, but are still important to the integrity of the regulatory system. These conditions

relate to administrative, monitoring and reporting requirements. Non-compliance of these conditions are given a blue colour code.

The colour code is used as the basis for deciding on the priority of remedial action required by the licensee and the timeframe within which the non-compliance needs to be addressed. This information is presented in the action program alongside the target/action date for the non-compliance to be addressed.

While the risk assessment of non-compliances is used to prioritise actions to be taken, the EPA considers all non-compliances are important and licensees must ensure that all non-compliances are addressed as soon as possible.

## **2.0 ASSESSMENT OF COMPLIANCE**

### **2.1 Compliance with Audit Criteria**

Compliance was assessed against the licence requirements of Licence No. 1412 issued under the POEO Act.

Assessment of compliance was undertaken by a detailed site inspection and review of all methods, records and documentation as required by the licence issued to the licensee.

The findings of the audit indicate that not all the conditions of the environment protection licence were being complied with.

Details of assessment are presented in Table 2.1.



TABLE 2.1 ASSESSMENT OF COMPLIANCE WITH LICENCE No. 1412

Statutory Instrument: Environment Protection Licence No. 1412			
Condition No.	Compliance /Risk assessment for non-compliance*	Comment	Action Required by the Licensee
1	<b>ADMINISTRATIVE CONDITIONS</b> <i>The audit assessment is based upon evidence relating to the period limited to the 12 months prior to the end of the audit inspection.</i>		
A1.2	Yes		
A1.3	The statement normally included under A1.3 has not been placed on this licence. No assessment of compliance is required.		
A2.1	This is a statement providing details of the licensed premises. No assessment of compliance is required.		
A4.1	Yes		
2	<b>DISCHARGES TO AIR AND WATER AND APPLICATIONS TO LAND</b> <i>The audit assessment is based upon evidence relating to the period limited to the 12 months prior to the end of the audit inspection.</i>		
P1.2	This is a statement advising that the points identified in the table are for monitoring and/or setting of limits for the discharge of pollutants to water from the point. No assessment of compliance is required.		
P1.3	This is a statement indicating that the utilisation area referred to in the table is identified for the purpose of monitoring and/or the setting of limits. No assessment of compliance is required. EPA Identification No. 1 refers to the discharge of effluent to the utilisation area		

\* See explanation of risk assessment of non-compliances codes on p7.

<b>3</b>	<b>LIMIT CONDITIONS</b> <i>The audit assessment is based upon evidence relating to the period limited to the 12 months prior to the end of the audit inspection.</i>		
L1.1	Yes	Pollution of surface water	The licensee must ensure that activities undertaken at the premises do not pollute ground waters.
	Not determined	Pollution of groundwater It was not determined if the licensee complies with s120 of the POEO Act in relation to groundwater pollution. The licensee does not monitor groundwater quality, consequentially it has not been ascertained whether the activities on the premises are having any impact on groundwater quality	
L2.1 – L2.2	<b>Load limits</b> The conditions normally included under L2.1 and L2.2 have not been placed on this licence, therefore no assessment of compliance is required.		
L3.1 - 3.3	<b>Concentration limits</b> The conditions normally included under L3.1, L3.2 and L3.3 have not been placed on this licence, therefore no assessment of compliance is required.		
L4.1	No <b>Yellow</b>	The licensee exceeded the daily volume limit of 17,000L per day for application of effluent to the utilisation area. The licensee uses a tanker with a volume of 14,000L to spray effluent. In the 24 hours prior to the end of the audit inspection the site representative advised that 3 tanker loads of effluent had been sprayed, a total of 42,000L.	The licensee must comply with the condition.
L5.1	<b>Waste</b> The condition normally included under L5.1 has not been placed on this licence, therefore no assessment of compliance is required.		
L6.1	<b>Noise limits</b> The condition normally included under L6.1 has not been placed on this licence, therefore no assessment of compliance is required.		

\* See explanation of risk assessment of non-compliances codes on p7.

<b>4</b>	<b>OPERATING CONDITIONS</b>		
	<i>The audit assessment is based upon evidence relating to the period limited to the 24 hours prior to the end of the audit inspection.</i>		
O1.1	Yes		
O2.1	Yes		
O3.1	Yes		
O3.2	Yes		
O3.3	Yes		
O3.4	Yes		
<b>5</b>	<b>MONITORING AND RECORDING CONDITIONS</b>		
	<i>The audit assessment is based upon evidence relating to the period limited to the 12 months prior to the end of the audit inspection.</i>		
M1.1	This is a statement that clarifies conditions M1.2 and M1.3. No assessment of compliance is required.		
M1.2(a)	Not applicable	The requirements of this condition do not apply as there are no sampling requirements on the licence.	
M1.2(b)	Not applicable	The requirements of this condition do not apply as there are no sampling requirements on the licence.	
M1.2(c)	Not applicable	The requirements of this condition do not apply as there are no sampling requirements on the licence.	
M1.3	Not applicable	The requirements of this condition do not apply as there are no sampling requirements on the licence.	
M2.1	The condition normally included under M2.1 has not been placed on this licence, therefore no assessment of compliance is required.		
M3.1 – M3.2	The conditions normally included under M3.1 and M3.2 have not been placed on this licence, therefore no assessment of compliance is required.		

\* See explanation of risk assessment of non-compliances codes on p7.

M4.1	Not applicable		
M4.2	Not applicable		
M4.3	Not applicable		
M4.4	Not applicable		
M5.1	Yes		
M5.2	No <b>Blue</b>	The licensee does operate a telephone line for the purposes of receiving any complaints. However, the public must be notified of the fact that it is a complaints line	The licensee must comply with the condition.
M5.3	M5.3 is a deeming clause that determines the applicability of conditions M5.1 and M5.2. No assessment of compliance is required.		
M6.1	The condition normally included under M6.1 has not been placed on this licence, therefore no assessment of compliance is required		
<b>6</b>	<b>REPORTING CONDITIONS</b> <i>The audit assessment is based upon evidence relating to the period limited to the 12 months prior to the end of the audit inspection.</i>		
R1.1	Yes		
R1.2	Yes		
R1.3 – R1.4	These conditions were not applicable as the licence has not been transferred from the licensee to a new licensee and the licence has not been surrendered by the licensee or revoked by the EPA or Minister		
R1.5	Yes		
R1.6	The condition normally included under R1.6 has not been placed on this licence, therefore no assessment of compliance is required		
R1.7	It is beyond the scope of the audit to determine whether the licensee will retain a copy of the annual return for a period of at least four years after the end of the reporting period. The EPA has no reason to believe that the licensee will not retain a copy of the annual return for the required period.		
R1.8	Yes		
R1.9	This is a statement advising of persons who are approved by the EPA to sign the Annual Return. No assessment of compliance is required.		

\* See explanation of risk assessment of non-compliances codes on p7.

R2.1 – R2.2	Not applicable	The requirements of this condition did not apply within the scope of the audit as the site representative advised that no incidents occurred that caused or threatened to cause material harm to the environment in the 12 months prior to the audit inspection. The EPA has no reason to believe that any such incident has occurred in the 12 months prior to the site inspection	
R3.1 – R3.4	These conditions are not applicable as the EPA has not made a written request that the licensee prepare a written report on any event which caused, was causing or was likely to cause harm to the environment.		
<b>GENERAL CONDITIONS</b>			
<i>The audit assessment is based upon evidence relating to the period limited to the 24 hours prior to the end of the audit inspection.</i>			
G1.1	Yes		
G1.2	Yes		
G1.3	Yes		
<b>POLLUTION STUDIES AND REDUCTION PROGRAMS</b>			
<i>The audit assessment is based upon evidence relating to the period limited to the 12 months prior to the end of the audit inspection.</i>			
U1.1	There is no requirement under this condition, no assessment of compliance required.		
<b>SPECIAL CONDITIONS</b>			
<i>The audit assessment is based upon evidence relating to the period limited to the 12 months prior to the end of the audit inspection.</i>			
E1.1	There is no requirement under this condition, no assessment of compliance required.		

\* See explanation of risk assessment of non-compliances codes on p7.

### 3.0 ACTION PROGRAM

Recommendations for an action program to be undertaken by Mr T. West at "Bellevue" Piggery are summarised in the following table.

**TABLE 3.1 ACTION PROGRAM – ENVIRONMENT PROTECTION LICENCE No. 1412**

Condition No.	Action Details	Non-Compliance Code	Target/Action Date
L4.1	The licensee must comply with the condition or renegotiate the condition with the EPA	Yellow	19 Dec 03
M5.2	The licensee must comply with the condition.	Blue	19 Dec 03

**APPENDIX A ENVIRONMENT PROTECTION LICENCE NO. 1412**

Environment Protection Authority

# Environment Protection Licence

Section 55 Protection of the Environment Operations Act 1997

- Licence number: 1412
- File number: 290408
- Licence Anniversary Date: 01-December
- Review date not later than 20-Feb-2005

**Licence Type**

Premises

**Licensee**

WEST; M.H  
"BELLEVUE"  
YOUNG NSW 2594

**Licensed Premises**

"BELLEVUE"  
465 WESTS LANE  
YOUNG NSW 2594

**Fee Based Activity**

Pig Production (42)

**Scale**

0 - 250 T accommodated

**EPA Region**

Southern Tablelands  
Suite 4, Robert Lowe Building, 30 Lowe Street  
QUEANBEYAN NSW 2620  
Phone: 02 6122 3100  
Fax: 02 6299 3525  
  
PO Box 622 QUEANBEYAN  
NSW 2620



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ARCHIVED

## Information about this licence

### Dictionary

The licence contains a dictionary, which defines terms used in the licence. It is found at the end of the licence.

### Responsibilities of licensee

Separate to the requirements of this licence, general obligations of licensees are set out in the Protection of the Environment Operations Act 1997 ("the Act") and the Regulations made under the Act. These include obligations to:

- Ensure persons associated with you comply with this licence, as set out in section 64 of the Act.
- Control the pollution of waters and the pollution of air (see for example sections 120 - 132 of the Act).
- Report incidents causing or threatening material environmental harm to the environment, as set out in Part 5.7 of the Act.

### Transfer of licence

Transfer of the licence to another person may be requested by the licensee using the form for this purpose available from the EPA.

### Variation of licence conditions

Variations to the conditions of this licence may be requested by the licensee using the form for this purpose available from the EPA. The EPA may also vary a licence at any time by written notice without an application being made.

Where a licence has been granted in relation to development which was assessed under the Environmental Planning and Assessment Act 1979 in accordance with the procedures applying to integrated development, the EPA may not impose conditions which are inconsistent with the development consent conditions until the licence is first reviewed under Part 3.6 of the Act.

### Duration of licence

This licence will remain in force until the licence is surrendered by the licence holder or until it is suspended or revoked by the EPA or the Minister. A licence may only be surrendered with the written approval of the EPA.

### Licence review

The Act requires that the EPA review your licence at least every 3 years after the issue of the licence, as

set out in Part 3.6 of the Act. You will receive advance notice of the licence review. For licences held immediately before 1 July 1999, the first review will take place before 1 July 2002.

**Fees and annual return to be sent to the EPA**

The licence requires you to forward to the EPA an Annual Return, comprising a Statement of Compliance and a summary of any monitoring required by the licence (including the recording of complaints).

The Annual Return must be submitted within 60 days after the end of each reporting period. Where a licence is transferred, surrendered or revoked, a special reporting period applies.

For each licence fee period you must pay:

- an administrative fee; and
- a load-based fee (if applicable).

Usually the licence fee period is the same as the reporting period.

See condition R1 and the accompanying form regarding the Annual Return requirements.

The EPA publication "A Guide to Licensing" contains information about how to calculate your licence fees.

**Public register and access to monitoring data**

Part 9.5 of the Act requires the EPA to keep a public register of details and decisions of the EPA in relation to, for example:

- licence applications
- licence conditions and variations
- statements of compliance

Under s320 of the Act application can be made to the EPA for access to monitoring data which has been submitted to the EPA by licensees.

Licence anniversary date

01-December

This licence is issued to

WEST; M.H
"BELLEVUE"
YOUNG NSW 2594
WEST; A.P.
"BELLEVUE"
YOUNG NSW 2594
WEST; R. A.
"BELLEVUE"

YOUNG NSW 2594
WEST; J.H.
"BELLEVUE"
YOUNG NSW 2594

subject to the conditions which follow:

## 1 Administrative conditions

### A1 What the licence authorises and regulates

A1.1 Not applicable.

A1.2 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.

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.

Scheduled Activity
Livestock Intensive Industries - pig

Fee Based Activity	Scale
Pig Production (42)	0 - 250 T accommodated

A1.3 Not applicable.

## A2 Premises to which this licence applies

A2.1 The licence applies to the following premises:

<b>Premises Details</b>
"BELLEVUE"
465 WESTS LANE
YOUNG
NSW
2594
LOT 1 DP 653793; LOTS 2, 88 & 136 DP 750571

## A3 Other activities

A3.1 Not applicable.

## A4 Information supplied to the EPA

A4.1 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.

In this condition the reference to "the licence application" includes a reference to:

- (a) the applications for any licences (including former pollution control approvals) which this licence replaces under the Protection of the Environment Operations (Savings and Transitional) Regulation 1998 and
- (b) the licence information form provided by the licensee to the EPA to assist the EPA in connection with the issuing of this licence.

# 2 Discharges to air and water and applications to land

## P1 Location of monitoring/discharge points and areas

P1.1 Not applicable.

P1.2 The following points referred to in the table are identified in this licence for the purposes of the

monitoring and/or the setting of limits for discharges of pollutants to water from the point.

- P1.3 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.

*Water and land*

EPA identification no.	Type of monitoring point	Type of discharge point	Description of location
1		Discharge to utilisation area	Utilisation area comprising of LOT 1 DP 653793; and LOTS 2, 88 and 136 DP 750571.

### 3 Limit conditions

#### L1 Pollution of waters

- L1.1 Except as may be expressly provided in any other condition of this licence, the licensee must comply with section 120 of the Protection of the Environment Operations Act 1997.

#### L2 Load limits

- L2.1 Not applicable.  
L2.2 Not applicable.

#### L3 Concentration limits

- L3.1 Not applicable.  
L3.2 Not applicable.  
L3.3 Not applicable.

#### L4 Volume and mass limits

- L4.1 For each discharge point or utilisation area specified below (by a point number), the volume/mass of:

(a) liquids discharged to water; or;

(b) solids or liquids applied to the area;

must not exceed the volume/mass limit specified for that discharge point or area.

Point	Unit of measure	Volume/Mass Limit
1	kL/day	17

## L5 Waste

L5.1 Not applicable.

## L6 Noise Limits

L6.1 Not applicable.

# 4 Operating conditions

## O1 Activities must be carried out in a competent manner

O1.1 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.

## O2 Maintenance of plant and equipment

O2.1 All plant and equipment installed at the premises or used in connection with the licensed activity:

- (a) must be maintained in a proper and efficient condition; and
- (b) must be operated in a proper and efficient manner.

## O3 Effluent application

O3.1 There must be no discharge of wastewater to any watercourse or to any area other than the defined wastewater disposal area.

O3.2 Irrigation of wastewater must not be carried out within 50 metres of any water course.



- O3.3 The volume of wastewater directed to the irrigation area must not exceed the capacity of the area to assimilate the wastewater.
- O3.4 Spray from irrigation effluent must not drift into residential or public areas and/or watercourses.

## 5 Monitoring and recording conditions

### M1 Monitoring records

- M1.1 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.
- M1.2 All records required to be kept by this licence must be:
- in a legible form, or in a form that can readily be reduced to a legible form;
  - kept for at least 4 years after the monitoring or event to which they relate took place; and
  - produced in a legible form to any authorised officer of the EPA who asks to see them.
- M1.3 The following records must be kept in respect of any samples required to be collected for the purposes of this licence:
- the date(s) on which the sample was taken;
  - the time(s) at which the sample was collected;
  - the point at which the sample was taken; and
  - the name of the person who collected the sample.

### M2 Requirement to monitor concentration of pollutants discharged

- M2.1 Not applicable.

### M3 Testing methods - concentration limits

- M3.1 Not applicable.

- M3.2 Not applicable.

### M4 Recording of pollution complaints

- M4.1 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.

- M4.2 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.

M4.3 The record of a complaint must be kept for at least 4 years after the complaint was made.

M4.4 The record must be produced to any authorised officer of the EPA who asks to see them.

## **M5 Telephone complaints line**

M5.1 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.

M5.2 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.

M5.3 Conditions M5.1 and M5.2 do not apply until 3 months after:

- (a) the date of the issue of this licence or
- (b) if this licence is a replacement licence within the meaning of the Protection of the Environment Operations (Savings and Transitional) Regulation 1998, the date on which a copy of the licence was served on the licensee under clause 10 of that regulation.

## **M6 Requirement to monitor volume or mass**

M6.1 Not applicable.

# **6 Reporting conditions**

## **R1 Annual return documents**

### **What documents must an Annual Return contain?**

- R1.1 The licensee must complete and supply to the EPA an Annual Return in the approved form comprising:
- (a) a Statement of Compliance; and
  - (b) a Monitoring and Complaints Summary.

A copy of the form in which the Annual Return must be supplied to the EPA accompanies this licence. Before 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.

### **Period covered by Annual Return**

R1.2 An Annual Return must be prepared in respect of each reporting period, except as provided below.

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.

R1.3 Where this licence is transferred from the licensee to a new licensee,  
(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  
(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.

Note: An application to transfer a licence must be made in the approved form for this purpose.

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  
(a) in relation to the surrender of a licence - the date when notice in writing of approval of the surrender is given; or  
(b) in relation to the revocation of the licence - the date from which notice revoking the licence operates.

### **Deadline for Annual Return**

R1.5 The Annual Return for the reporting period must be supplied to the EPA 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').

### **Notification where actual load can not be calculated**

R1.6 Not applicable.

### **Licensee must retain copy of Annual Return**

R1.7 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.

### **Certifying of Statement of Compliance and Signing of Monitoring and Complaints Summary**

R1.8 Within the Annual Return, the Statement of Compliance must be certified and the Monitoring and Complaints Summary must be signed by:

- (a) the licence holder; or
- (b) by a person approved in writing by the EPA to sign on behalf of the licence holder.

R1.9 A person who has been given written approval to certify a certificate of compliance under a licence issued under the Pollution Control Act 1970 is taken to be approved for the purpose of this

condition until the date of first review of this licence.

## R2 Notification of environmental harm

Note: The licensee or its employees must notify the EPA of incidents causing or threatening material harm to the environment as soon as practicable after the person becomes aware of the incident in accordance with the requirements of Part 5.7 of the Act.

R2.1 Notifications must be made by telephoning the EPA's Pollution Line service on 131 555.

R2.2 The licensee must provide written details of the notification to the EPA within 7 days of the date on which the incident occurred.

## R3 Written report

R3.1 Where an authorised officer of the EPA suspects on reasonable grounds that:

- (a) where this licence applies to premises, an event has occurred at the premises; or
- (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.

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.

R3.3 The request may require a report which includes any or all of the following information:

- (a) the cause, time and duration of the event;
- (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; and
- (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;
- (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.

## General conditions

### G1 Copy of licence kept at the premises

- G1.1 A copy of this licence must be kept at the premises to which the licence applies.
- G1.2 The licence must be produced to any authorised officer of the EPA who asks to see it.
- G1.3 The licence must be available for inspection by any employee or agent of the licensee working at the premises.

## Pollution studies and reduction programs

- U1.1 Not applicable.

## Special conditions

- E1.1 Not applicable.

## Dictionary

### General Dictionary

In this licence, unless the contrary is indicated, the terms below have the following meanings:

<b>3DGM [in relation to a concentration limit]</b>	Means the three day geometric mean, which is calculated by multiplying the results of the analysis of three samples collected on consecutive days and then taking the cubed root of that amount. Where one or more of the samples is zero or below the detection limit for the analysis, then 1 or the detection limit respectively should be used in place of those samples
<b>Act</b>	Means the Protection of the Environment Operations Act 1997
<b>activity</b>	Means a scheduled or non-scheduled activity within the meaning of the Protection of the Environment Operations Act 1997
<b>actual load</b>	Has the same meaning as in the Protection of the Environment Operations (General) Regulation 1998

<b>AMG</b>	Australian Map Grid
<b>anniversary date</b>	The anniversary date is the anniversary each year of the date of issue of the licence. In the case of a licence continued in force by the Protection of the Environment Operations Act 1997, the date of issue of the licence is the first anniversary of the date of issue or last renewal of the licence following the commencement of the Act.
<b>annual return</b>	Is defined in R1.1
<b>Approved Methods Publication</b>	Has the same meaning as in the Protection of the Environment Operations (General) Regulation 1998
<b>assessable pollutants</b>	Has the same meaning as in the Protection of the Environment Operations (General) Regulation 1998
<b>BOD</b>	Means biochemical oxygen demand
<b>COD</b>	Means chemical oxygen demand
<b>composite sample</b>	Unless otherwise specifically approved in writing by the EPA, a sample consisting of 24 individual samples collected at hourly intervals and each having an equivalent volume.
<b>cond.</b>	Means conductivity
<b>environment</b>	Has the same meaning as in the Protection of the Environment Operations Act 1997
<b>environment protection legislation</b>	Has the same meaning as in the Protection of the Environment Administration Act 1991
<b>EPA</b>	Means Environment Protection Authority of New South Wales.
<b>fee-based activity classification</b>	Means the numbered short descriptions in Schedule 1 of the Protection of the Environment Operations (General) Regulation 1998.
<b>flow weighted composite sample</b>	Means a sample whose composites are sized in proportion to the flow at each composites time of collection.
<b>grab sample</b>	Means a single sample taken at a point at a single time
<b>hazardous waste</b>	Has the same meaning as in Part 3 of Schedule 1 of the Protection of the Environment Operations Act 1997
<b>industrial waste</b>	Has the same meaning as in Part 3 of Schedule 1 of the Protection of the Environment Operations Act 1997
<b>inert waste</b>	Has the same meaning as in Part 3 of Schedule 1 of the Protection of the Environment Operations Act 1997
<b>licensee</b>	Means the licence holder described at the front of this licence
<b>load calculation protocol</b>	Has the same meaning as in the Protection of the Environment Operations (General) Regulation 1998
<b>local authority</b>	Has the same meaning as in the Protection of the Environment Operations Act 1997
<b>material harm</b>	Has the same meaning as in section 147 Protection of the Environment Operations Act 1997
<b>MBAS</b>	Means methylene blue active substances
<b>Minister</b>	Means the Minister administering the Protection of the Environment Operations Act 1997
<b>mobile plant</b>	Has the same meaning as in Part 3 of Schedule 1 of the Protection of the Environment Operations Act 1997

<b>motor vehicle</b>	Has the same meaning as in the Protection of the Environment Operations Act 1997
<b>O&amp;G</b>	Means oil and grease
<b>percentile [in relation to a concentration limit of a sample]</b>	Means that percentage [eg.50%] of the number of samples taken that must meet the concentration limit specified in the licence for that pollutant over a specified period of time. In this licence, the specified period of time is the Reporting Period unless otherwise stated in this licence.
<b>plant</b>	Includes all plant within the meaning of the Protection of the Environment Operations Act 1997 as well as motor vehicles.
<b>pollution of waters [or water pollution]</b>	Has the same meaning as in the Protection of the Environment Operations Act 1997
<b>premises</b>	Means the premises described in condition A2.1
<b>public authority</b>	Has the same meaning as in the Protection of the Environment Operations Act 1997
<b>regional office</b>	Means the relevant EPA office referred to in the Contacting the EPA document accompanying this licence
<b>reporting period</b>	For the purposes of this licence, the reporting period means the period of 12 months after the issue of the licence, and each subsequent period of 12 months. In the case of a licence continued in force by the Protection of the Environment Operations Act 1997, the date of issue of the licence is the first anniversary of the date of issue or last renewal of the licence following the commencement of the Act.
<b>reprocessing of waste</b>	Has the same meaning as in Part 3 of Schedule 1 of the Protection of the Environment Operations Act 1997
<b>scheduled activity</b>	Means an activity listed in Schedule 1 of the Protection of the Environment Operations Act 1997
<b>solid waste</b>	Has the same meaning as in Part 3 of Schedule 1 of the Protection of the Environment Operations Act 1997
<b>treatment of waste</b>	Has the same meaning as in Part 3 of Schedule 1 of the Protection of the Environment Operations Act 1997
<b>TSP</b>	Means total suspended particles
<b>TSS</b>	Means total suspended solids
<b>utilisation area</b>	Means any area shown as a utilisation area on a map submitted with the application for this licence
<b>waste</b>	Has the same meaning as in the Protection of the Environment Operations Act 1997
<b>waste code</b>	Means the waste codes listed in Appendix 5 of the EPA document A Guide to Licensing Part B.
<b>waste type</b>	Means Group A, Group B, Group C, inert, solid, industrial or hazardous waste

Mr David Cook

Head Regional Operations Unit

(By Delegation)

Date of this edition - 18-Apr-2002

## End Notes

- 1 Licence varied by notice V/M upgrade, issued on 08-Jul-2000, which came into effect on 08-Jul-2000.
- 2 Licence varied by notice 1013799, issued on 20-Feb-2002, which came into effect on 20-Feb-2002.
- 3 Licence transferred through application 141147, approved on 18-Apr-2002, which came into effect on 18-Apr-2002.



**APPENDIX B ENTERPRISE RESPONSE TO DRAFT REPORT**

**WESTFARM**

Tony & Jeannette West  
"Bellevue", Young 2594

Phone: (02) 63832387

Fax: (02) 63832310

## FACSIMILE MESSAGE

TO: Kylie Butler, EPA

DATE: 29.9.03

FROM: Tony West

NO. OF PAGES: 1

MESSAGE: I have read the draft compliance audit report on our piggery at Bellevue.

I find it unbelievable that we could have a yellow mark against our spreading of effluent when you people set it up for us to start off with.

I might add that we were doing it for over 40 years before you came along. I do believe that with M5.2 you people are trying to justify your existence by being as trivial as notifying the public. We had the extra phone book number well before EPA ever thought about going down that road.

Due to the pressure of a number of government authorities including the EPA, as well as subsidised imports we are forced after 68 years of pig production to close our system down.

We will not be needing to renew our effluent licence for 2004.

I wonder what will happen when you help to shut most of the intensive agricultural industries.

Whit

**APPENDIX C**  
**LETTER COVERING LICENSEES RESPONSE TO FINAL COMPLIANCE AUDIT**  
**REPORT**

Our Reference : 290408A2  
Contact : Lynne Neville, 9995 5464



Regulation and Audit

Mr Tony West  
"Bellevue"  
465 Wests Lane  
Young NSW 2594

Dear Mr West

**Re. Final Compliance Audit Report – "Bellevue" Piggery (Lic. 1412)**

The Department of Environment and Conservation (DEC) (formerly the Environment Protection Authority) is pleased to present a copy of the Final Compliance Audit Report for the "Bellevue" Piggery premises located at Young.

The comments provided by you in your facsimile dated 29/9/03 concerning the compliance audit findings have been considered when finalising the report and the following information is provided:

**Condition L4.1**

The condition places a daily volume limit of 17kL/day to be discharged to the utilisation area. This non-compliance has received a yellow risk assessment which means that the non-compliance could receive a low priority. The categorisation of yellow was determined by assessing the level of potential environmental impact from the non compliance as low and the likelihood of the environmental harm occurring as a result of the non compliance as less likely. Your comments regarding this requirement are noted and you may wish to renegotiate the conditions with the regional office.

**Condition M5.2**

The condition requires the licensee to notify the public of the complaints line telephone number and the fact that it is a complaints line. This condition is applicable to all Environment Protection Licence holders. You may wish to discuss appropriate methods of complying with this condition with DEC officers.

I would like to take this opportunity to thank you and your staff for the co-operation during the Audit. If you require further information or clarification on any matters regarding this audit, please do not hesitate to contact me on 9995 5464.

Yours sincerely,

A handwritten signature in cursive script, appearing to read 'Lynne Neville'.

Lynne Neville  
Manager Compliance Audit  
Environment Protection and Regulation Division  
Department of Environment and Conservation

11/11/03

**The EPA is part of the Department of Environment and Conservation**

Department of Environment and Conservation

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