



# Licence

## *Environmental Protection Act 1986, Part V*

**Licensee:** Harvey Fresh (1994) Ltd

**Licence:** L4404/1991/15

**Registered office:** 1<sup>st</sup> Floor Oliver House  
1318 Hay Street  
WEST PERTH WA 6005

**ACN:** 065 591 219

**Premises address:** Harvey Fresh Dairy and Juice Factories  
Third Street  
HARVEY WA 6229  
Being Lot 1 on Diagram 4786, Lot 20 and Lot 22 on Plan 2344, Lot 187 and  
Lot 189 on Plan 202110, and Lot 200 on Diagram 66494  
as depicted in Schedule 1

**Issue date:** Thursday, 27 September 2012

**Commencement date:** Monday, 1 October 2012

**Expiry date:** Saturday, 30 September 2017

**Prescribed premises category**

Schedule 1 of the *Environmental Protection Regulations 1987*

Category number	Category description	Category production or design capacity	Approved Premises production or design capacity
17	Milk processing: premises on which (a) milk is separated or evaporated (other than a farm); or (b) evaporated or condensed milk, butter, ice cream, cheese or any other dairy product is manufactured, and from which liquid waste is or is to be discharged onto land or into waters.	100 tonnes or more per year	165,000 tonnes per annual period
24	Non-alcoholic beverage manufacturing: premises on which a non-alcoholic beverage is manufactured and from which liquid waste is or is to be discharged onto land or into waters	200 kilolitres or more per year	13,000 kilolitres per annual period
61	Liquid waste facility: premises on which liquid waste produced on other premises (other than sewerage waste) is stored, reprocessed, treated or irrigated	100 tonnes or more per year	1,500 tonnes per annual period



**Conditions**

This Licence is subject to the conditions set out in the attached pages.

Date signed: 28 October 2015

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**Ed Schuller**

Senior Manager Industry Regulation (Process Industries)

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.

### DER's industry licensing role

The Department of Environment Regulation (DER) is a government department for the state of Western Australia in the portfolio of the Minister for Environment. DER's purpose is to advise on and implement strategies for a healthy environment for the benefit of all current and future Western Australians.

DER has responsibilities under Part V of the *Environmental Protection Act 1986* (the Act) for the licensing of prescribed premises. Through this process DER regulates to prevent, control and abate pollution and environmental harm to conserve and protect the environment. DER also monitors and audits compliance with works approvals and licence conditions, takes enforcement action as appropriate and develops and implements licensing and industry regulation policy.

### Licence requirements

This Licence is issued under Part V of the Act. Conditions contained within the Licence relate to the prevention, reduction or control of emissions and discharges to the environment 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. Legislation 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 must comply with your licence. Non-compliance with your licence is an offence and strict penalties exist for those who do not comply.

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 Environment. You are required to comply with any conditions imposed by the Minister.

#### **Premises description and Licence summary**

Harvey Fresh (1994) Ltd (Harvey Fresh) is a West Australian owned manufacturer of dairy products and fruit juices. The Harvey Fresh dairy and juice factories are located within the Harvey townsite approximately 140 km south of Perth. The Premises covers a number of individual land titles which are physically separated by a gazetted road, but are linked via wastewater infrastructure. The juice factory was established in 1986, followed by the dairy factory in 1989. A winery was added to the premises in 2000; however, after change of ownership, has since closed. The Premises is located on the Swan Coastal Plain within the area defined by the Environmental Protection (Peel Inlet – Harvey Estuary) Policy 1992. The factories were originally located distant from any sensitive urban development; however there are currently 10 residences within 500 metres of the Premises.

Harvey Fresh manufactures a range of dairy products, fruit and vegetable juice and concentrates. Up to 700 kL/day of wastewater is generated in the production process. Raw wastewater typically comprises milk and juice products, fats, organic solids from juice production, detergents, sanitisers, acidic and caustic cleaning agents, nutrients, dissolved solids (including sodium chloride) and small amounts of lubricants. There are two primary wastewater streams generated from the juice factory and dairy. These are combined and treated through a multistage treatment process comprising a dissolved air flotation (DAF) clarification system to reduce or remove organic matter and suspended solids, and a dual sequence batch reactor (SBR) system to reduce biological oxygen demand (BOD), chemical oxygen demand (COD), nitrogen and phosphorus. Treated wastewater is discharged to a storage pond and then disposed via flood irrigation to a designated area comprising approximately 44 ha of pasture and 30 ha of orange orchard. The irrigation area is divided into laser-levelled flood cells enclosed by earthen bund walls to confine flow within the designated cells.

This Licence is the result of an amendment sought by the Licensee to:

- include Category 61: Liquid Waste Facility on the licence to enable up to 20 kL/day of wastewater from another Harvey Fresh operation, the Capel Cheese Factory, to be received by and treated on the Premises. The wastewater treatment system is designed to treat up to 1,200 kL/day of wastewater and is therefore capable of treating the additional wastewater. Wastewater from the Capel Cheese Factory is of similar quality to wastewater generated at the Harvey Fresh operation and is therefore suitable for treatment via the Harvey Fresh wastewater treatment system;
- Remove category 25: Alcoholic beverage manufacturing (no longer carried out on the premises);
- Change the phosphorus loading limit for the orange orchard irrigation areas; and
- Remove the annual monitoring requirements for wastewater.



The licences and works approvals issued for the Premises since 13/12/1988 are:

<b>Instrument log</b>		
<b>Instrument</b>	<b>Issued</b>	<b>Description</b>
W231	13/12/1988	Works approval issued by the EPA for construction of a wastewater system for the dairy factory. Issued to Harvey Fresh Dairies.
L1699	20/12/1989	Initial licence issued by the EPA to authorise operation of the dairy factory. Two-part licence (EPA & WAWA conditions). Issued to Harvey Fresh Dairies. Irrigation discharge criteria set for Phosphorus.
W676	22/07/1991	Works approval issued by the EPA requiring modifications to the wastewater treatment system. First instrument issued to Liase Pty Ltd.
L3093	02/09/1991	Licence re-issue (two-part).
L3093	04/12/1992	Licence amendment to restrict throughput to 20,000 l/d and demonstrate the efficiency of the fat separator unit.
L3093	10/03/1993	Licence amendment following Minister's appeal determination on previous amendment, allowing throughput of 100,000 l/d.
L4404	30/09/1993	Licence re-issue (two-part). Addition of category 24. First instrument issued to Harvey Fresh (1994) Ltd and first non-annual licence, issued for 3 years.
L4404/1991/1	12/06/1997	Licence re-issue. First licence issued by DEC (DEP) (combined EPA & WAWA conditions). Requirement to install a metering device on wastewater outflow.
L4404/1991/2	09/01/1998	Licence re-issue. Issued for one year.
L4404/1991/3	24/11/1998	Licence re-issue.
L4404/1991/4	22/09/1999	Licence re-issue. Addition of category 25.
L4404/1991/5	20/09/2000	Licence re-issue.
L4404/1991/6	09/10/2002	Licence re-issue.
L4404/1991/7	30/09/2003	Licence re-issue. Addition of irrigation discharge criteria for Nitrogen.
L4404/1991/8	24/09/2004	Licence re-issue. Requirement to submit a Nutrient Irrigation Management Plan. Issued for 2 years.
L4404/1991/9	21/09/2006	Licence re-issue. Extension for submission of NIMP.
L4404/1991/10	25/10/2007	Licence re-issue. Category 25 removed due to throughput below the required threshold. Further extension of NIMP submission. Requirement to install appropriate metering devices on wastewater outflow.
L4404/1991/11	25/09/2008	Licence re-issue. Addition of category 25 due to throughput above the required threshold. Addition of AACR. Further extension of NIMP submission.
L4404/1991/12	24/09/2009	Licence re-issue.
L4404/1991/13	24/09/2010	Licence re-issue.
L4404/1991/14	29/09/2011	Licence re-issue. Review undertaken of Premises and EAR prepared. Licence issued in Welker style format.
L4404/1991/15	27/09/2012	Licence re-issue. Includes operation of new wastewater system and conversion to new format.
L4404/1991/15	03/05/2013	Licence amendment to convert to REFIRE format.
L4404/1991/15	29/10/2015	Licence amendment to include Category 61, remove Category 25, amend phosphorus loading limit for orange orchard and remove annual wastewater monitoring requirements.



### **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 For the purposes of this Licence, unless the contrary intention appears:

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

**'annual period'** means the inclusive period from 1 August until 31 July in the following year;

**'AS/NZS 5667.1'** means the Australian Standard AS/NZS 5667.1 *Water Quality – Sampling – Guidance of the Design of sampling programs, sampling techniques and the preservation and handling of samples*;

**'AS/NZS 5667.6'** means the Australian Standard AS/NZS 5667.6 *Water Quality – Sampling – Guidance on sampling of rivers and streams*;

**'AS/NZS 5667.10'** means the Australian Standard AS/NZS 5667.10 *Water Quality – Sampling – Guidance on sampling of waste waters*;

**'averaging period'** means the time over which a limit is measured or a monitoring result is obtained;

**'BOD'** means the biochemical oxygen demand value, expressed in milligrams of oxygen per litre of sample during 5 days of incubation at 20°C;

**'CEO'** means Chief Executive Officer of the Department of Environment Regulation;

**'CEO'** for the purpose of correspondence means;  
Chief Executive Officer  
Department Administering the Environmental Protection Act 1986  
Locked Bag 33  
CLOISTERS SQUARE WA 6850  
Email: info@der.wa.gov.au

**'DAF'** means the Dissolved Air Flotation unit;

**'hardstand'** means a surface with a permeability of  $10^{-9}$  metres/second or less;

**'leachate'** means liquid released by or water that has percolated through waste and which contains some of its constituents;

**'Licence'** means this Licence numbered L4404/1991/15 and issued under the Act;

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

**'NATA'** means the National Association of Testing Authorities, Australia;





**'NATA accredited'** means in relation to the analysis of a sample that the laboratory is NATA accredited for the specified analysis at the time of the analysis;

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

**'SBR'** means Sequential Batch Reactor;

**'Schedule 1'** means Schedule 1 of this Licence unless otherwise stated;

**'Schedule 2'** means Schedule 2 of this Licence unless otherwise stated;

**'six monthly'** means the 2 inclusive periods from 1 August to 31 January in the following year and 1 February to 31 July in the same year;

**'spot sample'** means a discrete sample representative at the time and place at which the sample is taken; and

**'usual working day'** means 0800 – 1700 hours, Monday to Friday excluding public holidays in Western Australia.

- 1.1.3 Any reference to an Australian or other standard in the Licence means the relevant parts of the standard in force from time to time during the term of this Licence.
- 1.1.4 Any reference to a guideline or code of practice in the Licence means the version of that guideline or code of practice in force from time to time, and shall include any amendments or replacements to that guideline or code of practice made during the term of this Licence.
- 1.1.5 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 General conditions

- 1.2.1 The Licensee shall operate and maintain all pollution control and monitoring equipment to the manufacturer's specification or any relevant and effective internal management system.
- 1.2.2 The Licensee shall immediately recover, or remove and dispose of spills of environmentally hazardous materials outside an engineered containment system.
- 1.2.3 The Licensee shall:
- (a) implement all practical measures to prevent stormwater run-off becoming contaminated by the activities on the Premises; and
  - (b) treat contaminated or potentially contaminated stormwater as necessary prior to being discharged from the Premises.<sup>1</sup>

Note1: *The Environmental Protection (Unauthorised Discharges) Regulations 2004* make it an offence to discharge certain materials into the environment.

## 1.3 Premises operation

- 1.3.1 The Licensee shall record and investigate the exceedance of any descriptive or numerical limit in this section.





- 1.3.2 The Licensee shall only allow waste to be accepted on to the Premises if:
- (a) it is of a type listed in Table 1.3.1; and
  - (b) the quantity accepted is below any limit listed in Table 1.3.1; and
  - (c) it meets any specification listed in Table 1.3.1.

Table 1.3.1: Waste acceptance			
Waste	Waste Code	Quantity Limit	Specification <sup>1</sup>
Vegetable and food processing liquid wastes	K200	1,500 tonnes per year	Limited to vegetable and food processing liquid waste tankered onto the premises from the Capel Cheese Factory and discharged to the wastewater treatment system via the balance tank or raw water tank.

Note 1: Additional requirements for the acceptance of controlled waste are set out in the *Environmental Protection (Controlled Waste) Regulations 2004*.

- 1.3.3 The Licensee shall ensure that the wastes accepted onto the Premises are only subjected to the process set out in Table 1.3.2 and in accordance with any process requirements described in that table.

Table 1.3.2: Waste processing		
Waste type	Process	Process requirements
Vegetable and food processing liquid wastes	Physical, biological and chemical treatment	Treatment of vegetable and food processing liquid waste shall only be undertaken within the wastewater treatment system.

- 1.3.4 The Licensee shall ensure that waste material is only stored and/or treated within areas or compounds provided with the infrastructure detailed in Table 1.3.3.

Table 1.3.3: Containment infrastructure		
Storage vessel or compound	Material	Infrastructure requirements
Pond 1	Treated wastewater	Clay lined
Composting pad	Wastewater storage pond sludge & dewatered DAF sludge	A bunded hardstand area capable of preventing surface run-off of leachate and sludge and which captures and contains sludge leachate for treatment or disposal.

- 1.3.5 The Licensee shall manage the wastewater storage pond such that:
- (a) a minimum top of embankment freeboard of 300 mm is maintained;
  - (b) storm water runoff is prevented from entering the wastewater storage pond or causing the erosion of outer pond embankments;
  - (c) overtopping of the wastewater storage pond 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;
  - (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.
- 1.3.6 The Licensee shall prevent the uncontrolled loss of wastewater from the wastewater treatment plant and its associated pipework.



- 1.3.7 The Licensee shall manage the irrigation of treated wastewater such that:
- (a) bunding/cut-off drains are maintained adjacent to treated wastewater irrigation areas to prevent runoff;
  - (b) no irrigation generated run-off, spray drift or discharge occurs beyond the boundary of the Premises;
  - (c) treated wastewater is evenly distributed over the irrigation area;
  - (d) no soil erosion occurs;
  - (e) irrigation does not occur on land that is waterlogged; and
  - (f) vegetation cover is maintained over the irrigation area.
- 1.3.8 The Licensee shall operate the Premises and apply waste to land in accordance with the document prepared by the Licensee entitled "Harvey Fresh – Nutrient and Irrigation Management Plan, Revision No.4" and dated September 2012.

## 2 Emissions

### 2.1 General

- 2.1.1 The Licensee shall record and investigate the exceedance of any descriptive or numerical limit specified in any part of section 2 of this Licence.

### 2.2 Emissions to land

- 2.2.1 The Licensee shall ensure that where waste is emitted to land from the emission points in Table 2.2.1 and identified on the map of emission points in Schedule 1 it is done so in accordance with the conditions of this Licence.

Table 2.2.1: Emissions to land		
Emission point reference and location on Map of emission points	Description	Source including abatement
L1, L2, L3 and L4	Discharge to on-site irrigation area	Treated wastewater via DAF and SBR

- 2.2.2 The Licensee shall not cause or allow emissions to land greater than the limits listed in Table 2.2.2.

Table 2.2.2: Emission limits to land			
Emission point reference	Parameter	Limit (including units)	Averaging period
L1-L4	Total nitrogen	250 kg/ha	Annual
	BOD	30 kg/ha	Daily
L1-L2	Total phosphorus	9 kg/ha	Annual
L3-L4	Total phosphorus	30 kg/ha	Annual



## 3 Monitoring

### 3.1 General monitoring

3.1.1 The licensee shall ensure that:

- (a) all water samples are collected and preserved in accordance with AS/NZS 5667.1;
- (b) all wastewater sampling is conducted in accordance with AS/NZS 5667.10;
- (c) all surface water sampling is conducted in accordance with AS/NZS 5667.4, AS/NZS 5667.6 or AS/NZS 5667.9 as relevant;
- (d) all soil sampling is conducted in accordance with AS 4482.1 and AS 4482.2 as relevant; and
- (e) all laboratory samples are submitted to and tested by a laboratory with current NATA accreditation for the parameters being measured.

3.1.2 The Licensee shall ensure that:

- (a) monthly monitoring is undertaken at least 15 days apart;
- (b) six monthly monitoring is undertaken at least 5 months apart; and
- (c) annual monitoring is undertaken at least 9 months apart.

3.1.3 The Licensee shall record production or throughput data and any other process parameters relevant to any non-continuous or CEMS monitoring undertaken.

3.1.4 The Licensee shall ensure that all monitoring equipment used on the Premises to comply with the conditions of this Licence is calibrated in accordance with the manufacturer's specifications and any relevant Australian standard.

3.1.5 The Licensee shall, where the requirements for calibration cannot be practicably met, or a discrepancy exists in the interpretation of the requirements, bring these issues to the attention of the CEO accompanied with a report comprising details of any modifications to the methods.

### 3.2 Monitoring of emissions to land

3.2.1 The Licensee shall undertake the monitoring in Table 3.2.1 according to the specifications in that table.

**Table 3.2.1: Monitoring of emissions to land**

Emission point reference	Parameter	Units	Frequency
L1-L4 <sup>1</sup>	Volumetric flow rate	L/s m <sup>3</sup> /day	Monthly
	pH	pH unit	
	Total dissolved solids, total suspended solids, BOD, total nitrogen, total phosphorus, electrical conductivity	mg/l g/day	

Note 1: L1, L2, L3 and L4 are monitored at the flow meter prior to irrigation.

### 3.3 Ambient environmental quality monitoring

3.3.1 The Licensee shall undertake the monitoring in Tables 3.3.1 and 3.3.2 according to the specifications in those tables and record and investigate results that do not meet any limit specified.



**Table 3.3.1: Monitoring of ambient surface water quality**

Monitoring point reference and location	Parameter	Units	Averaging period	Frequency
WQ1 – WQ2	pH	pH unit	Spot sample	Six monthly
	Electrical conductivity	µS/cm		
	Organic carbon, total nitrogen, total phosphorus	mg/l		

**Table 3.3.2: Monitoring of ambient soil quality**

Monitoring point reference and location	Parameter	Units	Averaging period	Frequency
S1 – S6	pH	pH unit	Spot sample	Annual
	Electrical conductivity	µS/cm		

## 4 Information

### 4.1 Records

4.1.1 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 4.1.1(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 waters.

4.1.2 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.

4.1.3 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 previous annual period.

4.1.4 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.

### 4.2 Reporting

4.2.1 The Licensee shall submit to the CEO an Annual Environmental Report within 28 calendar days after the end of the annual period. The report shall contain the information listed in Table 4.2.1 in the format or form specified in that table.



**Table 4.2.1: Annual Environmental Report**

Condition or table (if relevant)	Parameter	Format or form <sup>1</sup>
Table 1.3.1	Summary of any waste acceptance limit exceedances and any action taken.	None specified
1.3.5	Summary of any freeboard limit exceedances and any action taken.	None specified
Table 2.2.2	Limit exceedances	None specified
Table 3.2.1	Volumetric flow rate, pH, total dissolved solids, total suspended solids, BOD, total nitrogen, total phosphorus, and electrical conductivity	LR1
Table 3.3.1	pH, electrical conductivity, organic carbon, total nitrogen, total phosphorus	None specified
Table 3.3.2	pH, electrical conductivity	
4.1.3	Compliance	Annual Audit Compliance Report (AACR)
4.1.4	Complaints summary	None specified

- 4.2.2 The Licensee shall ensure that the Annual Environmental Report also contains:
- (a) any relevant process, production or operational data recorded under Condition 3.1.3; and
  - (b) an assessment of the information contained within the report against previous monitoring results and Licence limits.

### 4.3 Notification

- 4.3.1 The Licensee shall ensure that the parameters listed in Table 4.3.1 are notified to the CEO in accordance with the notification requirements of the table.

**Table 4.3.1: Notification requirements**

Condition or table (if relevant)	Parameter	Notification requirement <sup>1</sup>	Format or form <sup>2</sup>
-	Taking the wastewater holding pond offline for maintenance works	No less than 72 hours in advance of works	None specified
-	Removal of sludge from the wastewater holding pond	No less than 14 days in advance of works	None specified
1.3.1, 2.1.1	Breach of any limit specified in the Licence	Part A: As soon as practicable but no later than 5pm of the next usual working day.  Part B: As soon as practicable	N1
3.1.5	Calibration report	As soon as practicable.	None specified

Note 1: Notification requirements in the Licence shall not 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 red line depicts the Premises boundary.

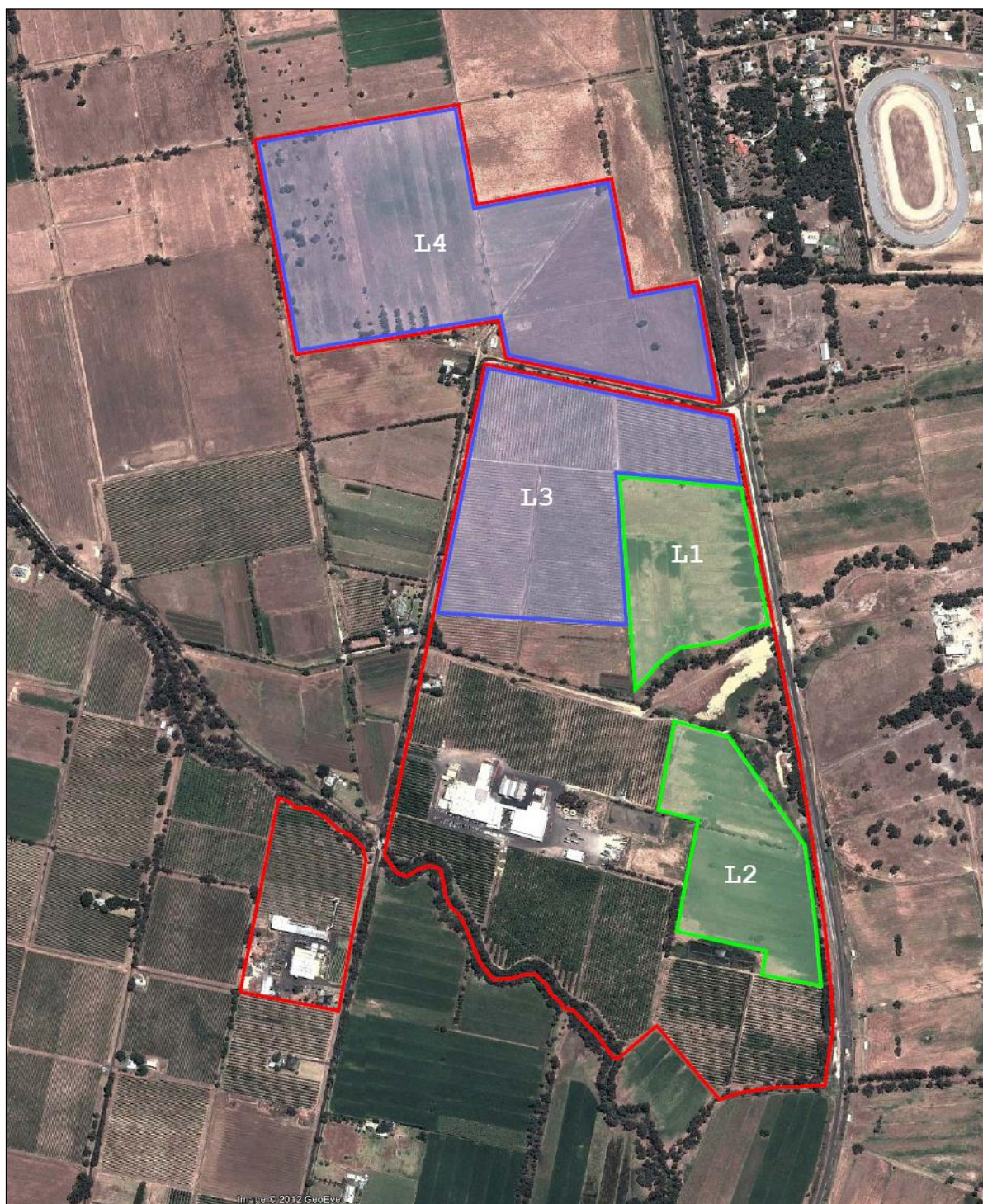






### Map of emission points

The locations of the emission points defined in Table 2.2.1 are shown below.

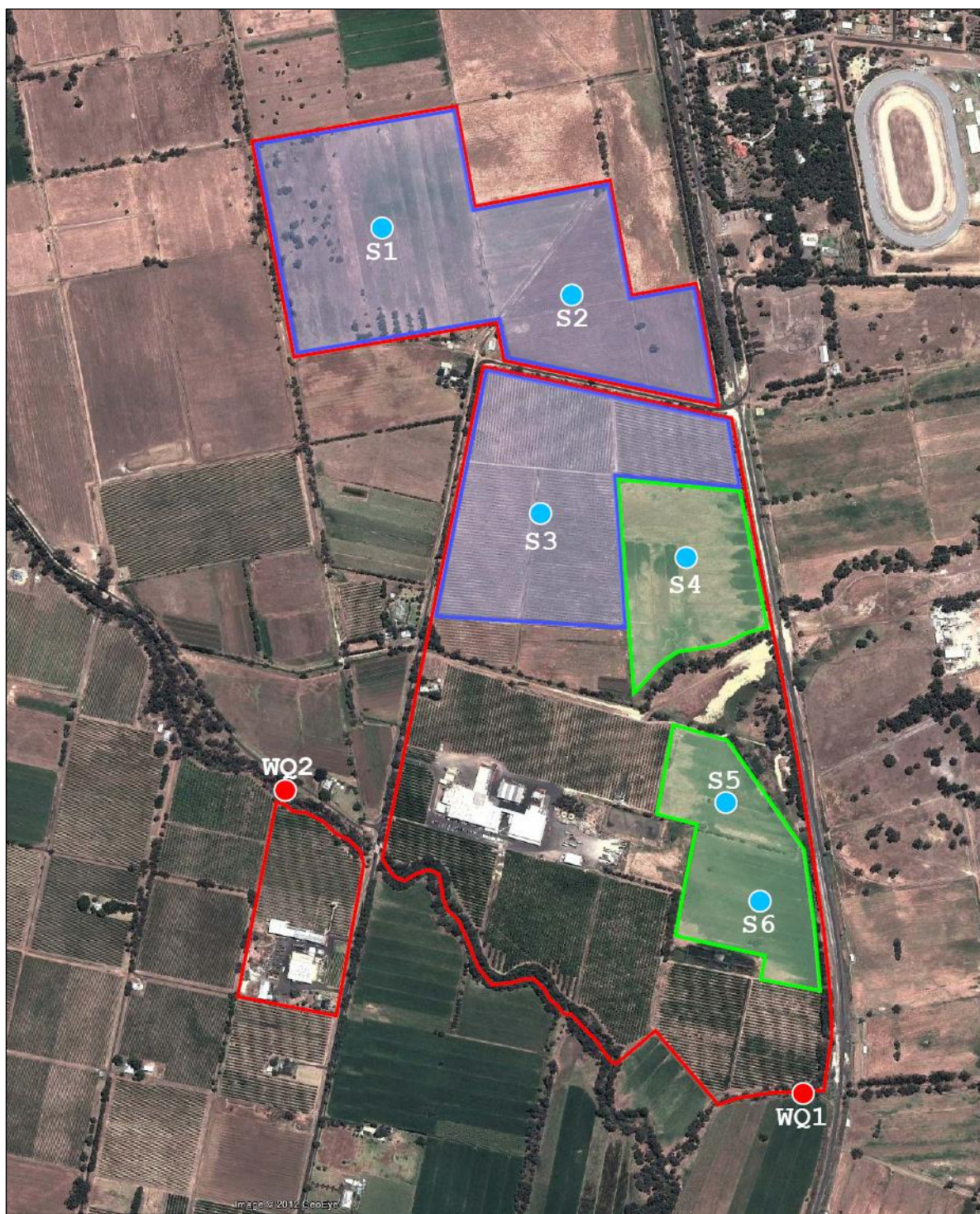






### Map of monitoring locations

The locations of the monitoring points defined in Tables 3.3.1 and 3.3.2 are shown below.





## 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.

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### ANNUAL AUDIT COMPLIANCE REPORT PROFORMA

#### SECTION A LICENCE DETAILS

Licence Number:	Licence File Number:
Company Name: Trading as:	ABN:
Reporting period:  _____ to _____	

#### STATEMENT OF COMPLIANCE WITH LICENCE CONDITIONS

1. Were all conditions of the Licence complied with within the reporting period? (please tick the appropriate box)

Yes ☐ Please proceed to Section C

No ☐ Please 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.

Please use a separate page for each Licence condition that was not complied with.

a) Licence condition not complied with:	
b) Date(s) when the non compliance occurred, if applicable:	
c) Was this non compliance reported to DER?:	
<input type="checkbox"/> Yes <input type="checkbox"/> Reported to DER verbally Date _____ <input type="checkbox"/> Reported to DER in writing Date _____	<input type="checkbox"/> No
d) Has DER taken, or finalised any action in relation to the non compliance?:	
e) Summary of particulars of the 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:	

Each page must be initialled by the person(s) who signs Section C of this AACR

Initial:





## SECTION C

### SIGNATURE AND CERTIFICATION

This Annual Audit Compliance Report (AACR) may only be signed by a person(s) with legal authority to sign it. The ways in which the AACR must be signed and certified, and the people who may sign the statement, are set out 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 Annual Audit Compliance Report must be signed and certified:
An individual	<input type="checkbox"/> <input type="checkbox"/>	by the individual licence holder, or by a person approved in writing by the Chief Executive Officer of the Department of Environment Regulation to sign on the licensee's behalf.
A firm or other unincorporated company	<input type="checkbox"/> <input type="checkbox"/>	by the principal executive officer of the licensee; or by a person with authority to sign on the licensee's behalf who is approved in writing by the Chief Executive Officer of the Department of Environment Regulation.
A corporation	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	by affixing the common seal of the licensee in accordance with the <i>Corporations Act 2001</i> ; or by two directors of the licensee; or by a director and a company secretary of the licensee, or if the licensee is a proprietary company that has a sole director who is also the sole company secretary – by that director, or by the principal executive officer of the licensee; or by a person with authority to sign on the licensee's behalf who is approved in writing by the Chief Executive Officer of the Department of Environment Regulation.
A public authority (other than a local government)	<input type="checkbox"/> <input type="checkbox"/>	by the principal executive officer of the licensee; or by a person with authority to sign on the licensee's behalf who is approved in writing by the Chief Executive Officer of the Department of Environment Regulation.
a local government	<input type="checkbox"/> <input type="checkbox"/>	by the chief executive officer of the licensee; or 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 annual audit compliance report is correct and not false or misleading in a material particular.

SIGNATURE: \_\_\_\_\_

NAME:  
(printed) \_\_\_\_\_

POSITION: \_\_\_\_\_

DATE: \_\_\_\_/\_\_\_\_/\_\_\_\_

SEAL (if signing under seal)

SIGNATURE: \_\_\_\_\_

NAME:  
(printed) \_\_\_\_\_

POSITION: \_\_\_\_\_

DATE: \_\_\_\_/\_\_\_\_/\_\_\_\_



Licensee: Harvey Fresh (1994) Ltd  
Period:

[illegible]

Note 1: All units are referenced to STP dry

Signed on behalf of Harvey Fresh (1994) Ltd: ..... Date: .....



Licence: L4404/1991/15  
Form: N1

Licensee: Harvey Fresh (1994) Ltd  
Date of breach:

**Notification of detection of the breach of a limit.**

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	
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	



## Part B

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 previous N1 notifications for the Premises in the preceding 24 months.	

Name	
Post	
Signature on behalf of Harvey Fresh (1994) Ltd	
Date	





# Decision Document

## *Environmental Protection Act 1986, Part V*

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**Proponent:** Harvey Fresh (1994) Ltd

**Licence:** L4404/1991/15

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**Registered office:** 1<sup>st</sup> Floor Oliver House  
1318 Hay Street  
WEST PERTH WA 6005

**ACN:** 065 591 219

**Premises address:** Harvey Fresh Dairy and Juice Factories  
Third Street, HARVEY WA 6229  
Being Lot 1 on Diagram 4786, Lot 20 and Lot 22 on Plan 2344, Lot 187  
and Lot 189 on Plan 202110, and Lot 200 on Diagram 66494

**Issue date:** Thursday, 27 September 2012

**Commencement date:** Monday, 1 October 2012

**Expiry date:** Saturday, 30 September 2017

### Decision

Based on the assessment detailed in this document the Department of Environment Regulation (DER) has decided to issue an amended 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: Elizabeth Whisson  
Licensing Officer

Decision Document authorised by: Ed Schuller  
Delegated Officer



## Contents

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1 Purpose of this Document	2
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## 1 Purpose of this Document

This decision document explains how DER has assessed and determined the application 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.



## 2 Administrative summary

Administrative details		
Application type	Works Approval <input type="checkbox"/> New Licence <input type="checkbox"/> Licence amendment <input checked="" type="checkbox"/> Works Approval amendment <input type="checkbox"/>	
Activities that cause the premises to become prescribed premises	<b>Category number(s)</b>	<b>Assessed design capacity</b>
	17: Milk processing	165 000 tonnes per annual period
	24: Non-alcoholic beverage manufacturing	13 000 kilolitres per annual period
	61: Liquid waste facility	1 500 tonnes per annual period
Application verified	Date: N/A	
Application fee paid	Date: N/A	
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	N/A	
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 type="checkbox"/> No <input checked="" type="checkbox"/> Department of Water consulted Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
Is the Premises within an Environmental Protection Policy (EPP) Area Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Environmental Protection (Peel Inlet – Harvey Estuary) Policy 1992 Environmental Protection (Swan Coastal Plain Lakes) Policy 1992 Environmental Protection (South West Agricultural Zone Wetlands) Policy Approval Order 1998		
Is the Premises subject to any EPP requirements? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> There is no alteration or discharge to waters associated with this proposal and the premises does not include any registered wetland or portion of registered water body or watercourse relevant to the above EPPs.		



### 3 Executive summary of proposal and assessment

Harvey Fresh (1994) Ltd (Harvey Fresh) is a West Australian owned manufacturer of dairy products and fruit juices. The Harvey Fresh dairy and juice factories are located within the Harvey townsite approximately 140 km south of Perth. The Premises covers a number of individual land titles which are physically separated by a gazetted road, but are linked via wastewater infrastructure. The juice factory was established in 1986, followed by the dairy factory in 1989. A winery was added to the Premises in 2000I however, after change of ownersup, has since closed. The Premises is located on the Swan Coastal Plain within the area defined by the Environmental Protection (Peel Inlet – Harvey Estuary) Policy 1992 (Peel-Harvey EPP). The factories were originally located distant from any sensitive urban development; however there are currently 10 residences within 500 metres of the Premises.

Harvey Fresh manufactures a range of dairy products, fruit and vegetable juice and concentrates. Up to 700 kL/day of wastewater is generated in the production process. Raw wastewater typically comprises milk and juice products, fats, organic solids from juice production, detergents, sanitisers, acidic and caustic cleaning agents, nutrients, dissolved solids (including sodium chloride) and small amounts of lubricants. There are two primary wastewater streams generated from the juice factory and dairy. These are combined and treated through a multistage treatment process comprising a dissolved air flotation (DAF) clarification system to reduce or remove organic matter and suspended solids, and a dual sequence batch reactor (SBR) system to reduce biological oxygen demand (BOD), chemical oxygen demand (COD), nitrogen and phosphorus. Treated wastewater is discharged to a storage pond and then disposed via flood irrigation to a designated area comprising approximately 44 ha of pasture and 30 ha of orange orchard. The irrigation area is divided into laser-levelled flood cells enclosed by earthen bund walls to confine flow within the designated cells.

This Licence is the result of an amendment sought by the Licensee to:

- include category 61: liquid waste facility on the licence to enable up to 20 kL/week of wastewater from another Harvey Fresh operation (Capel Cheese Factory) to be received and treated at the Premises;
- Remove category 25: non-alcoholic beverage manufacturing (no longer carried out on site);
- Change the phosphorous loading limit for the orange orchard irrigation areas; and
- Remove the annual monitoring requirements for wastewater.

Licence conditions have also been amended as required in line with the current DER template.



## 4 Decision table

All applications are assessed in line with the *Environmental Protection Act 1986*, the *Environmental Protection Regulations 1987* and DER's Operational Procedure on Assessing Emissions and Discharges from Prescribed Premises. Where other references have been used in making the decision they are detailed in the decision document.

DECISION TABLE			
Works Approval / Licence section	Condition number W = Works Approval L = Licence	Justification (including risk description & decision methodology where relevant)	Reference documents
General conditions	L1.1.1 – 1.1.5	The Licence has been updated to the current template. This has removed some general conditions, no condition sections, and requirements which duplicate notification requirements of s.72 of the Act. This has resulted in the section numbers changing.	N/A
Premises operation	L1.3.1 L1.3.2 L1.3.3	<p>The Licensee proposes to accept up to 20 kL/week of liquid waste from their Capel Cheese Factory operation for treatment through the Premises' Waste Water Treatment System (WWTS). The WWTS has a design capacity of up to 1,200 kL/day but currently treats approximately 700kL/day and therefore has adequate capacity to accept additional wastewater. Wastewater from the Capel Cheese Factory is of similar quality to wastewater generated at the Harvey Fresh operation and is therefore suitable for treatment via the WWTS.</p> <p>Condition 1.3.1 has been added to the licence to ensure exceedances of the waste acceptance quantity limit for liquid waste are identified and investigated to reduce the likelihood of overloading the WWTS due to acceptance of external liquid waste.</p> <p>Condition 1.3.2 has been added to the licence to specify the type, quantity limit and source of liquid waste which may be accepted by and treated on the Premises. The condition also specifies discharge requirements for the liquid waste to ensure it is appropriately managed once delivered to the Premises.</p> <p>Condition 1.3.3 has been added to the licence to specify treatment requirements for liquid waste accepted on the premises to ensure it is treated via the WWTS prior to being discharged via irrigation.</p>	Application supporting documentation



DECISION TABLE														
Works Approval / Licence section	Condition number W = Works Approval L= Licence	Justification (including risk description & decision methodology where relevant)			Reference documents									
Emissions to land including monitoring	L2.2.2 L3.2.1 L4.2.1	The licence authorises discharge of treated wastewater to land via flood irrigation and the licence contains regulatory controls for this activity. Harvey Fresh has requested amendments to remove the targets for wastewater quality, annual monitoring of wastewater, and increase the phosphorous loading rates for the orange orchards (emission points L3 and L4).												
		<u>Removal of targets</u> Targets for wastewater quality were contained in the licence to provide an indication that the wastewater treatment process is being operated correctly. Harvey Fresh use similar targets in their operational procedures for the wastewater treatment process. A breach of a target in the licence did not trigger any corrective action and it is recognised that quality of output from the plant will vary over time.												
		Given that emission limits for nutrient loading rates apply at the irrigation areas and Harvey Fresh use the monthly monitoring data to check the treatment process DER considers that the targets can be removed from the licence. Monthly monitoring of wastewater is still required by condition 3.2.1 to enable annual and daily loading rates to be calculated. The monitoring data is required to be submitted annually to DER by condition 4.2.1. DER can review this data against the performance targets previously contained in the licence to check that the wastewater treatment system is operating properly.												
<b>Wastewater treatment targets</b>														
<table><tr><td>Substance</td><td>BOD (mg/L)</td><td>TSS (mg/L)</td><td>TN (mg/L)</td><td>TP (mg/L)</td></tr><tr><td>Target</td><td>20</td><td>20</td><td>5</td><td>1</td></tr></table>					Substance	BOD (mg/L)	TSS (mg/L)	TN (mg/L)	TP (mg/L)	Target	20	20	5	1
Substance	BOD (mg/L)	TSS (mg/L)	TN (mg/L)	TP (mg/L)										
Target	20	20	5	1										
For justification of the removal of annual monitoring requirements and increase in phosphorous loading rates at the orange orchards refer to Appendix A.														



DECISION TABLE			
Works Approval / Licence section	Condition number W = Works Approval L= Licence	Justification (including risk description & decision methodology where relevant)	Reference documents
Fugitive emissions	N/A	The Environmental Assessment Report for the premises concluded that dust emissions were not expected to be significant as all external areas associated with the factories were sealed hardstand. DER considers that fugitive emissions of dust can be sufficiently regulated under section 49 of the <i>Environmental Protection Act 1986</i> . Therefore no specific conditions for fugitive emissions have been included on this licence.	<i>Environmental Protection Act 1986</i>
Odour	N/A	The Environmental Assessment Report for the premises concluded that there are no significant sources of odour from the manufacturing process or factories; and that wastewater generated from the manufacturing process contains high organic content, which has the potential to generate fugitive odour emissions; however this was not considered significant if managed appropriately. Given the licence controls already in place for management of wastewater through section 1.3 DER considers that fugitive emissions of odour can be sufficiently regulated under section 49 of the <i>Environmental Protection Act 1986</i> . Therefore no specific conditions for fugitive emissions have been included on this licence.	<i>Environmental Protection Act 1986</i>





## 5 Advertisement and consultation table

Date	Event	Comments received/Notes	How comments were taken into consideration
02/07/2015	Proponent sent a copy of draft instrument	No comments made (received 08/07/2015)	N/A
22/09/2015	Proponent sent a copy of the revised draft	No comments made (received 05/10/2015)	N/A

## 6 Risk Assessment

*Note: This matrix is taken from the DER Corporate Policy Statement No. 07 - Operational Risk Management*

**Table 1: Emissions Risk Matrix**

Likelihood	Consequence				
	Insignificant	Minor	Moderate	Major	Severe
Almost Certain	Moderate	High	High	Extreme	Extreme
Likely	Moderate	Moderate	High	High	Extreme
Possible	Low	Moderate	Moderate	High	Extreme
Unlikely	Low	Moderate	Moderate	Moderate	High
Rare	Low	Low	Moderate	Moderate	High



## Appendix A - Amendment to emissions to land including monitoring

### Increase of phosphorous loading rate to orange orchard areas

The initial licence granted in 1989 included a nutrient loading limit of 9 kg/ha/yr for phosphorus based on guideline application rates acceptable for nutrients to land available at that time. The 9 kg/ha/yr limit was initially placed on the licence for irrigation to land for the purpose of direct discharge of the wastewater. However, Harvey Fresh currently irrigate a 30 ha orange orchard and a 44 hectare paddock. To achieve a high yield, orange orchards typically require a high phosphorus input (approximately 40 – 50 kg/ha/yr of phosphorus). To achieve the required nutrient loading Harvey Fresh applies additional superphosphate fertiliser to the orange orchard areas. The orange orchards are irrigated from October to April. Harvey Fresh has requested to increase the loading limit of total phosphorus from 9 kg/ha/yr to 30 kg/ha/yr to satisfy the requirements of the orange orchard and to reduce the amount of superphosphate fertiliser required.

DER has assessed the hydraulic loading rates for the orange orchards and considers that they are suitable sized for the irrigation of wastewater during October to April. Additionally, Harvey Fresh has analysed the soil samples from the orange orchard for phosphorus and phosphorus buffering capacity (PBI). The results concluded that the orange orchards at Harvey Fresh have a low to moderate PBI and the phosphorus results from the orchard were equal to or below critical soil values. This indicates that it is likely that the soil in the orchard does not contain sufficient phosphorus to achieve 95% of maximum production and therefore phosphorus is required to be applied to the soil. Based on this and the current application of fertiliser it is unlikely that 30 kg/ha/year of phosphorus will result in excessive nutrient loading of the soil within the orchard.

For comparison purposes, assessment using Water Quality Protection Note 22 *Irrigation with nutrient-rich wastewater* determines that the orchard is a risk category C with a recommended maximum phosphorous application rate of 50 kg/ha/year.

DER has increased the nutrient loading rate for phosphorous to the orange orchard areas (emission points L3 and L4) to 30 kg/ha/yr in Table 2.2.2.

### Removal of annual monitoring requirements

The licence contains annual wastewater monitoring requirements, which includes monitoring for metals (dissolved and total), standard level semi volatile organic compounds (SVOC), total petroleum hydrocarbons / total recoverable hydrocarbons (TPH/TRH) (C10-C40), speciated TPH/TRH, Polycyclic aromatic hydrocarbons (PAH), phenols, and organochlorine (OC) pesticides and organophosphate (OP) pesticides.

Harvey Fresh acknowledges that detergents, sanitisers and possibly small amounts of lubricants may be components of the raw wastewater generated at the premises. However, they will be present in very small quantities that will be diluted further in the volume of wastewater. Therefore they have requested an amendment to remove these annual monitoring parameters.

Results from the previous two reporting periods (November 2013 and August 2014) have been compared to the ecological investigation levels for soils with all substances well below the guideline value or below the laboratory limit of reporting. DER is therefore satisfied that trace contaminants are not a significant issue in wastewater irrigated on the Premises and the requirement for monitoring these parameters can be removed from condition 3.2.1 of the licence. Reporting table 4.2.1 has also been updated.