



Section 73A
Environmental Protection Act 1986.

PREVENTION NOTICE

Reference No: 202306

Persons to whom this Prevention Notice is issued:

A. Richards Pty Ltd, ACN 008 734 852
(Trading as Richgro)
Lot 186 Acourt Road
JANDAKOT WA 6164

In it's capacity as occupier of the **Premises** and holder of Licence L9316/2022/1 (**Licence Holder**).

Premises to which this notice relates (the Premises):

The **Premises**, the subject of this section 73A *Environmental Protection Act 1986* (WA) (the **Act**) Prevention Notice (the **Notice**), is situated on:

6364 Albany Highway, BANNISTER Western Australia, also known as the Richgro Bannister Composting Facility (the **Premises**).

Reasons for which this Notice is issued:

This Notice is issued because I reasonably suspect on the following grounds that a condition of pollution is likely to arise or has arisen based on the following facts:

- a) Between 4 and 5 July 2023, the **Licence Holder** discharged leachate contaminated stormwater from the stormwater dam at the **Premises** known to contain nutrient enriched leachate to the environment.
- b) On 28 July 2023, the **Licence Holder** discharged additional leachate contaminated stormwater from the stormwater dam at the **Premises** known to contain nutrient enriched leachate to the environment.
- c) The **Licence Holder** has advised that leachate and stormwater containment infrastructure is at or close to capacity, and additional rainfall may result in further discharges to the environment; *and*
- d) The leachate and/or stormwater containment infrastructure may be at, near or exceeding engineered capacities, and that the stormwater dam embankments have been subject to erosion as a result of rain and/or overflow events which may potentially have impacted it's integrity.

I am satisfied that because:

A. Richards Pty Ltd, ACN 008 734 852 is the Occupier of the **Premises** and person upon whom the requirements of Licence L9316/2022/1 are binding and that you are the appropriate person/s to give this **Notice** to.

Requirements of this Notice:

Terms used in this **Notice** have the meanings defined in Appendix 1.

In accordance with section 73A of the **Act**, this **Notice** is subject to the following requirements upon the person to whom the **Notice** is given.

Requirements

1. Within 7 days of the date of issue of this **Notice**, commence removal of leachate from all leachate ponds at the **Premises** to establish a minimum of 600 mm freeboard in all leachate ponds.
2. Within 45 days of the date of issue of this **Notice**, complete the removal of leachate from all leachate ponds at the **Premises** to establish a minimum of 600 mm freeboard in all leachate ponds.
3. The person to whom this **Notice** is given must maintain a minimum of 600 mm freeboard in all leachate ponds at the **Premises** until this Notice is cancelled by written notification from an **Inspector** or **Authorised Person**.
4. The person to whom this **Notice** is given must ensure that no further discharge occurs from the leachate ponds to the stormwater dam at the **Premises** other than where there is an imminent risk of failure of containment or discharge to the environment and no alternative means of removal of leachate is available.
5. The person to whom this **Notice** is given must ensure that leachate removed from leachate ponds in accordance with Requirements 2 and 3 of the **Notice**, is removed and transported by a **Licensed Controlled Waste Carrier** and disposed of directly to a **Licensed liquid waste disposal facility**, other than this **Premises**.
6. The issuing **Inspector** or **Authorised Person** must be notified by email to compliance@dwer.wa.gov.au no less than two (2) business days after the removal of leachate from the **Premises** in accordance with Requirements 2 and 3 of this **Notice**.

Notification after removal must include:

- 6.1. Confirmation of all facilities that received the leachate waste,
- 6.2. The time and date of removal from the **Premises**,
- 6.3. The name of the **Licensed Controlled Waste Carrier(s)**, and
- 6.4. Copies of disposal dockets from the **Licensed liquid waste disposal facility** identifying the volumes of leachate waste received.

7. Within 7 days of the date of issue of this **Notice**, commence removal of leachate contaminated stormwater from the stormwater dam at the **Premises** to establish a minimum of 600 mm freeboard within the stormwater dam.
8. Within 45 days of the date of issue of this **Notice**, complete the removal of leachate contaminated stormwater from the stormwater dam at the **Premises** to establish a minimum of 600 mm freeboard within the stormwater dam.
9. The person to whom this **Notice** is given must maintain a minimum of 600 mm freeboard in the stormwater dam at the **Premises** until this Notice is cancelled by written notification from an **Inspector** or **Authorised Person**.
10. The person to whom this **Notice** is given must ensure that no further discharge occurs from the stormwater dam at the **Premises** other than where there is an imminent risk of failure of containment or discharge to the environment and no alternative means of removal of stormwater is available.
11. The person to whom this **Notice** is given must ensure that leachate contaminated stormwater removed from stormwater dam in accordance with Requirements 7 and 8 of the **Notice**, is removed and transported by a **Licensed Controlled Waste Carrier** and disposed of directly to a **Licensed liquid disposal facility**, other than this **Premises**.
12. The issuing **Inspector** or **Authorised Person** must be notified by email to compliance@dwer.wa.gov.au no less than two (2) business days after the removal of leachate contaminated stormwater from the **Premises** in accordance with Requirements 7 and 8 of this **Notice**.

Notification after removal must include:

- 12.1. Confirmation of all facilities receiving the contaminated stormwater,
 - 12.2. The time and date of removal,
 - 12.3. The name of the **Licensed Controlled Waste Carrier**, and
 - 12.4. Copies of disposal dockets from the **Licensed liquid waste disposal facility** identifying the volumes of contaminated stormwater received.
13. Within 30 days of the date of this **Notice**, provide to the issuing **Inspector** or **Authorised Person** by email to compliance@dwer.wa.gov.au a copy of a report prepared by a **suitably qualified engineer**, including but not limited to, an assessment of the structural integrity of leachate ponds and stormwater water dam, and any measures required to ensure the infrastructures on-going integrity is maintained.
 14. The timeframes stipulated in this **Notice** may be amended by an **Inspector** or **Authorised Person** in writing on application with reasonable justification.

Duration

This **Notice** subsists until it is cancelled by written notice from an **Inspector** or **Authorised Person** in writing.



Paul Newell FRACI CCHEM

Inspector and Authorised Person
under section 87(1) and 88 of the
Environmental Protection Act 1986

4 August 2023

Important Information:

A PERSON WHO IS BOUND BY THIS PREVENTION NOTICE AND WHO DOES NOT COMPLY WITH THIS NOTICE COMMITS AN OFFENCE UNDER THE *ENVIRONMENTAL PROTECTION ACT 1986*.

Note that under section 118 of the Act that each person who is a director or who is concerned in the management of the body corporate may be taken to have also committed the same offence.

Section 103 of the Act provides that:

- a person who is aggrieved by a requirement contained in this Notice may within 21 days of being given this notice lodge with the Minister for Environment an appeal in writing setting out the grounds of that appeal; and
- any other person who disagrees with a requirement contained in this Notice may within 21 days of the making of that requirement lodge with the Minister for Environment an appeal in writing setting out the grounds of that appeal.

PENDING THE DETERMINATION OF AN APPEAL REFERRED TO ABOVE, THE RELEVANT REQUIREMENTS CONTAINED IN THIS NOTICE CONTINUE TO HAVE EFFECT.

Appendix 1: Definitions

In this Notice, unless the contrary intention appears –

‘Act’ means the *Environmental Protection Act 1986* (WA).

‘Authorised person’ means a person or member of a class of persons appointed under section 87(1) of the *Environmental Protection Act 1986*

‘Days’ means all days including weekends.

‘Department’ means Department of Water and Environmental Regulation.

‘Freeboard’ means the vertical distance from the liquid surface to the lowest elevation at which the liquid would flow from the pond or dam wall, spillway or otherwise discharge from the pond or dam.

‘Inspector’ means a person appointed to be an inspector under section 88 of the *Environmental Protection Act 1986*

‘Inspector’ for the purposes of correspondence means;

Senior Manager – Environmental Compliance
Department of Water and Environmental Regulation
Locked Bag 10
JOONDALUP DC WA 6919
Telephone: (08) 6364 7000
Fax: (08) 6364 7001
Email: compliance@dwer.wa.gov.au

‘Licensed liquid waste disposal facility’ means a liquid waste facility holding a current Licence issued under Part V of the EP Act authorizing the acceptance, treatment and disposal of the category of waste being disposed to that facility, and does not include this Premises which is noted as holding a category 61 Licence under Part V of the EP Act.

‘Licensed Controlled Waste Carrier’ means a ‘carrier’ as defined under s 2 of the Environmental Protection (Controlled Waste) Regulations 2004.

‘Premises’ refers to the Premises to which this Notice applies, as specified at the front of this Notice.

‘Suitably qualified engineer’ means an engineer holding current registration, accreditation or chartered engineer membership with, or recognised by, Engineers Australia in an engineering discipline relevant to dam stability assessment including but not limited to civil, structural or geotechnical engineering.

