


2021 IEA – Baiada Response to Non-Conformances and Recommendations

No	Condition	Non Conformance	Auditor Recommendation	Baiada Response	Target date Completion	Actions Completed
AUDIT NON COMPLIANCES						
1	DA 53/97, Schedule 3, Condition 16	<p>Stored wastewater in the wastewater treatment plant (WWTP) area is not bunded as required by this condition and therefore, this is considered non-compliant. It is noted that bunding was not included in the approved design drawings for the WWTP under DA2018/0443 and SSD-9394 does not include a similar requirement to bund wastewater, that is, only chemicals, fuels and oils are required to be stored within bunds (Condition B61).</p>	<p>Given that DA 53/97 was surrendered on 21/12/21 (refer to Table A-2, SSD-9394, Condition A12), and this condition was superseded by Condition B61, SSD-9394 on 22/01/21, there is no recommendation to address this non-compliance as SSD-9394 does not require wastewater storages to be bunded.</p> <p>The Auditors note an opportunity for improvement (OFI) would be to conduct a review of the integrity of pits and bunds.</p>	In line with the OFI the Pits and bunds shall be reviewed.	30 th March 2022 COMPLETED 30.03.22 SS	The attached bunding register has been updated to include which are pits and which are bunds. This is located in the Oakburn EMS Hub located on the Oakburn server.
2	DA 53/97, Schedule 3, Condition 19	<p>The Oakburn – Management of Liquid Waste and Contingency Plan (2021 AEMR, Appendix I) and the 2021 OEMP section addressing Liquid Waste do not meet all of the requirements of Condition 19. Specifically, the 2021 OEMP (taken to represent the latest plan) does not:</p> <ul style="list-style-type: none"> o characterise the quantity and quality of wastewater; o identify the criteria/limits for the disposal of treated wastewater; and o include: <ul style="list-style-type: none"> ▪ detailed plans of pipelines, pumps and other infrastructure and connections to Council’s system; ▪ a protocol for the investigation, notification and mitigation of identified ▪ exceedances of the criteria/limits for the disposal of treated wastewater. 	<p>Review the Liquid Waste elements of the OEMP to address all of the requirements of Condition 19, except those that relate to Stage 2/Project upgrades, including:</p> <ul style="list-style-type: none"> o characterising the quantity and quality of wastewater; o identifying the criteria/limits for the disposal of treated wastewater; o a plan(s) of the wastewater treatment process showing the key plant / equipment / infrastructure, sampling point(s) and discharge point; and o a protocol for the investigation, notification and mitigation of identified exceedances of the criteria / limits. 	<p>OEMP will be amended to include:</p> <ul style="list-style-type: none"> ▪ Quantity and quality of waste water and limits ▪ Description of where to locate plan of WW Treatment system ▪ Protocol for notification 	30 th June 2022 COMPLETED 07.04.22 SS Updated 19.09.22	<p style="text-align: center;">OEMP Ammended</p> <ul style="list-style-type: none"> ▪ Quantity and quality of waste water and limits into Section 10.5.3.2 Trade Waste Table of discharge limit parameters ▪ Description of where to locate plan of WW Treatment system – Site Map of key parameters built into Section 10.5.5 Waste Water Management and reference to additional information in Hydroflux manuals ▪ Protocol for notification – Notification is as per EMS-TI-1343-NAT Notification to regulator. Also located in OEMP 10.5.3.2

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3	DA 53/97, Schedule 4, Condition 50	<p>The Auditors consider that the AEMRs comply with Condition 50 in most respects except for the presentation of the production data.</p> <p>The Auditors consider Condition 50 is non-compliant on the basis the AEMRs do not conclusively demonstrate that the Limits of Approval have been complied with 100% of the time.</p>	<p>The Auditors note that DA 53/97 was surrendered on 21/12/21 and SSD-9394 does not include the same limits as Condition 6(a) and 6(b).</p> <p>The Auditors recommend that Baiada confirm DPIE's requirements for reporting production data in the Compliance Reports going forward.</p> <p>We also recommend the methodology and basis for reported production data be clearly indicated in the Compliance Report</p>	<p>SSD9394 Condition A6 Requires that production be capped at 1120T Finished production until processing plant is operational. Future Compliance reports will report weekly production T on future reports.</p> <p>Methodology will be clearly indicated on the report</p>	21-22 AEMR April 2022	Methodology of reporting was clearly indicated in the 2022CR – Issued May 2022
4	DA 53/97, Schedule 4, Condition 53	The management plans and programs were reviewed within 3 months of the submission of the 2019 IEA report to DPIE but they were submitted to DPIE 4 days later than the due date.	Ensure that strategies, management plans and programs are reviewed and revised following submission of an IEA in accordance with the requirements of SSD-9394, Conditions C11 to C13.	Tracking will be built into the EMS System for the site to manage items to the SSD Conditions and timelines.	Ongoing	Each condition of the SSD9394 has been added to the compliance tab of the EMS Hub with a date last reviewed and date of next required action included. Oakburn EMS Hub is located on the Oakburn Server.
5	SSD-9394, Condition B8	<p>An odour complaint on 04/04/21 indicates that an offensive odour was likely to have been emitted beyond the boundary of the site.</p> <p>Investigation indicated the odour was sourced from the CAL Biogas Vent.</p>	If it is not already being undertaken, investigate options for odour mitigation for the CAL Biogas Vent (e.g. feasibility study of options) and implement the preferred option to prevent a reoccurrence of an offensive odour emission from the CAL Biogas Vent beyond the boundary of the site.	A Flare for the Vented CAL gas is being installed February 2022	30 th June 2022 COMPLETED 25.06.22	<p>Cal Flare installed and commissioned June 2022</p> 
6	SSD-9394, Condition B12	The Auditors consider that the OMP does not adequately address the following C1 requirements.	Review the OMP and OEMP be reviewed and revised to address the identified gaps, in particular, improving the objectives and targets, ensuring consistency between the OMP and OEMP, ensuring all potential odour sources	Amendment will be made to the OMP.	30 th June 2022 COMPLETED 08.04.22 SS Added amend 12.08.22	<p>OMP & OEMP reissued 08.04.22 to include the amend – Further Amendment's completed 12.08.22 after letter dated 16.05.22.</p> <p>Odour sources are listed in Section 12 of the OMP – Odour Risk Assessment. Risk Matrix has been added and each odour source, lists</p>

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			under normal and abnormal conditions are assessed and compliance reporting requirements are better defined. Also ensure that the OMP complies with Condition C1 requirements			mitigation measures in place at the site for normal operation. Breakdown management practices are also included to signify abnormal operating conditions.
7	SSD-9394, Condition B60	The quantity of Sodium Hydroxide Solution stored onsite exceeds the Table 3 limit. The Packing Group of the stored chemical is also a higher risk Packing Group than shown in Table 3.	Review the chemical storage quantities and reduce the quantity of Sodium Hydroxide stored onsite to comply with Table 3 limits and/or seek a modification of this condition to increase the limit for Sodium Hydroxide stored onsite, and correct any factual inaccuracies in Table 3.	Request will be made to increase the limit for Sodium Hydroxide stored on site.	30 th June 2022	See email Pam Morales GW has spoken to PSA. Letter received to take volumes on site back to comply with SSD9394 Table 3 limits. This was complied with May 2022 and all documents updated to reflect this.
				Request will be made to correct factual inaccuracies in Table 3 at next review of SSD – draft list	Next mod for SSD	Communications have been held between DOP and PSA Consulting to amend at next issue of the SSD.
8	SSD-9394, Conditions C5, C1 & C6	<p>The 2021 OEMP does not adequately meet all of the requirements of Condition C5, including Condition C1 requirements, particularly the relevant statutory requirements, limits, performance measures and specific performance indicators.</p> <p>The 2021 OEMP generally meets Condition C6 requirements except that it does not include a procedure to respond to any non-compliance, which may or may not be an incident (as defined under SSD-9394), and under Condition C1 is defined as “specifically including any exceedance of the impact assessment criteria and performance criteria”.</p> <p>This is considered non-compliant as an OEMP should clearly define and differentiate incidents and non-compliances and notification requirements under SSD-9394 and</p>	<p>Review and revise the OEMP to more completely and consistently meet Condition C1 requirements for all of the environmental aspects and impacts, which should be consistent with the site’s environmental aspects and impacts register / risk assessment, as well as the requirements of SSD-9394.</p> <p>There should be clear links between identified environmental hazards, the control measures, required performance indicators and monitoring and reporting requirements with a particular focus on any regulatory limits and requirements. The OEMP should also describe the procedure(s) to respond to “any non-compliance (specifically including any exceedance of the impact assessment criteria and</p>	Amendments will be made to the OEMP to more completely meet Condition C1.	30 th June 2022 COMPLETED 08.04.22 SS Added amend 12.08.22	<p>Reissue of the OEMP 07.04.22 and OMP 28.03.22 Further Amendment’s completed 12.08.22 after letter dated 16.05.22 to include additional information requested.</p> <p>Additional information added to OEMP Section 6.3 Complaints and Incidents and 6.3.1 Dispute Resolution</p> <p>Actions required for Corrective action and monitoring are included in OEMP Section 0.5.5.11 Monitoring and Corrective Action</p>

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		<p>other approvals (e.g. EPL 7566, the LTWSA).</p> <p>Management plans are also required to meet Condition C1 requirements. The Auditors consider that the OMP does not adequately address the following C1 requirements.</p>	<p>performance criteria)", which may or may not be an incident.</p>			
9	<p><i>SSD-9394, Condition C15</i></p>	<p>Baiada did not submit a non-compliance notification in accordance with this condition when DPIE made Baiada aware on 10/08/21 that they were not complying with Condition C23, Access to Information.</p>	<p>Submit a non-compliance notification to DPIE regarding:</p> <ul style="list-style-type: none"> o the non-compliance with Condition A23 (the subject of DPIE's letter dated 10/08/21) in accordance Conditions C15 and C16; and o the non-compliance with Condition C19 (failure to upload 2021 AEMR and notify DPIE within required timeframes) in accordance with Condition C16. <p>This is in order to ensure that the reason(s) for the non-compliances are investigated and appropriate actions undertaken to address the non-compliances and prevent a reoccurrence. It is suggested that non-compliances are managed in a similar manner to incidents (within the meaning of SSD-9394, i.e. notifiable incidents) and recorded on the Incident/Complaint Register. Also refer to the findings and recommendations for Conditions C5 and C6 and procedures for responding to any non-compliance, which is considered to be one action for preventing a</p>	<p>Noted shall be reported in line with requirements</p>	<p>30th April 2022 COMPLETE</p>	<p>Letter with regards to Non-Compliance submitted via portal to DPIE 25.02.22 DPE Response Received 03.03.22 – with no additional action proposed.</p>

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			reoccurrence (i.e. provision of clear instructions).			
10	<i>SSD-9394, Condition C16</i>	Baiada did not submit non-compliance notifications for the Condition C19 and condition C23 non-compliances, in accordance with Condition C16. This is considered to be a separate non-compliance to the Condition C15 noncompliance because all of the required information was not provided and there is no evidence that the non-compliances have been investigated and what actions have been undertaken to address the non-compliances and prevent a reoccurrence.	Refer to the recommendation for NC8, which also addresses NC9	Noted shall be reported in line with requirements	30 th April 2022 COMPLETE	Letter with regards to Non-Compliance submitted via portal to DPIE 25.02.22 DPE Response Received 03.03.22 – with no additional action proposed.
11	<i>SSD-9394, Condition C18</i>	The 2021 AEMR and Compliance Report did not meet all of the requirements of Condition C18 and the Compliance Reporting Post Approval Requirements (Department 2020) (CRPAR 2020), as required and detailed in Table A-2 in relation to this condition. The Department reviewed the 2021 AEMR and considered it to generally satisfy the reporting requirements of the consents. DPIE required Baiada to ensure that the future Compliance Report layout complied with CRPAR 2020	In line with DPIE's requirement all future Compliance Reports comply with CRPAR 2020 requirements and include graphs of data to facilitate easy identification of trends and performance against limits and other targets	Noted shall be reported in line with requirements	21-22 AEMR March 2023	CRPAR 2020 guidelines given to SLR for the preparation of the 2021/22 CR
12	<i>SSD-9394, Condition C19</i>	The 2021 AEMR was uploaded to the Oakburn SSD-9394 website more than 60 days after the report was submitted to DPIE on 07/05/21. The Department was not notified of the upload to the public website 7 days prior to uploading the 2021 AEMR to the website.	Review and revise the Register of Portal & Website Uploads to include additional fields to prompt due dates for when reports must be uploaded and when DPIE must be notified by, as applicable, in addition to when reports were actually submitted and notified.	Shall be reviewed and revised accordingly.	30 th April 2022 COMPLETED 30.03.22 SS	Each item requiring upload to website from SSD9394 has been added to the Website uploads tab of the EMS Hub with a date of next required action included. Oakburn EMS Hub is located on the Oakburn Server

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13	<i>SSD-9394, Condition C23</i>	Information required to be published on Baiada’s public website was missing and therefore, not accessible to be public. The missing information is detailed in Audit Table A-2, Condition C23.	Review the website and upload the identified missing information as soon as practicable. Establish a process to ensure the required information is uploaded on a regular basis and within any required timeframes.	Noted will action	30 th April 2022 COMPLETED 30.03.22 SS	Each item requiring upload to website from SSD9394 has been added to the Website uploads tab of the EMS Hub with a date of next required action included. Oakburn EMS Hub is located on the Oakburn Server

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CONTINUAL IMPROVEMENT						
DA 53/97 – Schedule 3						
1	Cond 16	Stored wastewater in the WWTP area is not bunded as required by this condition and therefore, this is considered non-compliant. A concrete pit was observed to have a pipe through it, which was subsequently plugged following a release outside the pit. The incident report did not identify the pipe as a contributing factor to the leak escaping the pit.	Review the bunding requirement for stored wastewater on a risk management basis for the protection of the environment and human health. Conduct a review of the integrity of pits and bunds that includes checking that there are no pipes through the bunds or pit walls that are open / unblocked.	The Pits and bunds shall be reviewed. Note that some pits on site are just that and not designed to be bunds. These shall be noted in the Pits and Bunds Register on the EMS Hub	30 th March 2022 COMPLETED 30.03.22	The attached bunding register has been updated to include which are pits and which are bunds. This is located in the Oakburn EMS Hub located on the Oakburn server.
2	Cond 27	The operation hours are not specified in the OEMP.	Specify the operation hours in the OEMP	Noted will be included in OEMP	30 th June 2022 COMPLETED 08.04.22 SS	Hours of operation added to OEMP in section 4 – Site Operation under section 4.1 SSD Permitted hours of operation. Table 1 – Hours of Work has been included from the SSD9394.
3	Cond 40	Evacuation Area 2 is located in the vicinity of the LNG tanks and within the impact zones for a vapour cloud explosion, tanker BLEVE (Boiling Liquid Expanding Vapour Explosion) and storage tank BLEVE. Therefore, the Auditors consider that this may not a good location for an evacuation area.	Review and update the Safety Management System Emergency Dangerous Goods Manifest based on the latest version of the site Emergency Plan and in light of the 2020 Risk Assessment conducted by Lote Consulting Pty Ltd.	Back up Evacuation area Comments noted will be considered at next review	30 th June 2022 12.08.22 COMPLETED	Review completed Aug 2022 with modifications made to the location of the back-up evacuation area and amended in the Emergency Management plan.
4	Cond 45	Facility personnel advised that there may be no other industries with the same or similar operations to compare the facility's energy and water usage ratios against, and set benchmarks for, industry best practice in accordance with Condition 45(b). The 2021 OEMP, which now incorporates the Water and Energy Efficiency Program (WEEP), does not meet the requirement of Condition 45(b) and does not justify why benchmarks for industry best practice have not been set.	Review and revise the 2021 OEMP to identify the targets used (i.e. energy and water usage ratios of the development), their basis and justify why benchmarks for industry best practice are not used if that is the case.	Noted will be considered in next review of OEMP.	30 th June 2022 COMPLETED 08.04.22 SS	Baseline data has been collected from the existing site which has been monitored from 2015-2022. This information will be used going forward. This information has been detailed I OEMP Section 22 Baseline Data. This information is used as there are very few sites in the world that process only Poultry Render in similar methods and other baseline information is not available.

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5	DA 53/97 – Schedule 4 – Condition 48	The incident investigation for the ‘Gasket blown on Cal discharge line to SBR’ (30/01/21) did not address the issue of the pipe through the pit wall, which was a contributing factor to the release of wastewater from the pit to ground	Ensure that incident reports address all of the contributing factors / root causes to an incident	National to review incident reports for root cause analysis suitability on future incident reports.	ONGOING	All incident reports are sent to National Sustainability Manager for review.
	Condition	Opportunity for Recommendation		Baiada Response	Target date Completion	
SSD-9394						
6	A2	The Auditors observe that Condition A2(e) refers to the management and mitigation measures in Appendix 3; however, the management and mitigation measures are in Appendix 4. This error is repeated in Condition B3, B72. Condition B6 also incorrectly references Appendix 3, which should be Appendix 2.	Ask DPIE to correct the appendix references in the next modification of the consent.	Noted: Will request. This and other errors already identified.	Next mod for SSD	COMPLETED 30.03.22 SS Emailed to P Morales and have received response, stating that would be actioned with next issue of the SSD9394.
7	A32	The 2021 OEMP references the “Waste Classification Guidelines: Part 1 Classification of Waste”, which is slightly incorrect and should be EPA’s Waste Classification Guidelines Part 1: Classifying Waste (EPA, 2014).	Review and revise, as necessary, the 2021 OEMP and any other management plans required under this consent to ensure that correct references are used for any guideline, protocol, Australian Standard or policy	Noted will action -	30 th June 2022 COMPLETED 04.03.22 SS	Section 10 Waste Management 10.1 Classification of waste has been updated to correct the reference to the appropriate guideline.
8	AN1	The site has an Obligations Listing on the EMS Hub. The Auditors noted that SSD-9394 was not included in the Obligation Listing. The Auditors note as an OFI that SSD-9394 be included in the Obligation Listing.	The site has an Obligations Listing on the EMS Hub. The Auditors noted that SSD-9394 was not included in the Obligation Listing. SSD-9394 should be included in the Obligation Listing.	This is in error the SSD is included in the Obligation listing	COMPLETE	
9	B9	The Auditors observe that the site’s 2021 OEMP does not refer to dust as a hazard and does not include dust mitigation measures	Review and revise the OEMP to address dust as a hazard and include mitigation measures to ensure compliance with this condition.	Noted will action	30 th June 2022 COMPLETED 04.03.22 SS	A section regarding Dust mitigation has been added to OEMP Section 9.6.
10	B12	The Auditors found that whilst the 2021 OMP generally meets the requirements of Condition B12 and Condition C1 in relation to requirements for management plans, but there were a number of gaps and inconsistencies that could be improved. Please refer to Table A-2 in	Review and revise the OMP and OEMP as considered appropriate to address the identified gaps, in particular, improving the objectives and targets, ensuring consistency between the OMP and OEMP, ensuring all potential odour sources under normal and abnormal	Noted will review and action as appropriate	30 th June 2022 COMPLETED 30.03.22 SS	See audit Non-compliance No6 for appropriate detail.

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		relation to this condition as there are too many to refer to here	conditions are assessed and compliance reporting requirements are better defined. Also ensure that the OMP complies with Condition C1 requirements			
11	B20	The 2021 OEMP does not address soil management or more specifically, prevention of soil contamination from imported soil	Review and revise the OEMP or other plan or procedure to address this requirement and ensure that the required records are kept.	Noted will action	30 th June 2022 COMPLETED 30.03.22 SS	Section 10 Soils Water and Hydrology has been added to include these requirements. Sections have been added for 10.1 Imported Soil and include the necessary record keeping
12	B42	The 2021 OEMP does not in the Auditors' opinion, adequately describe how pests are managed. Conversely, it does not describe how protected species, such as snakes or native vegetation required to be conserved, are managed	Review and revise the OEMP and associated procedures to differentiate between pests and protected species and describe how protected species are managed.	Noted will action:	30 th June 2022 COMPLETED 04.03.22 SS	Section 11.6 has been added to the OEMP to include Pests Vermin and Priority Weed Management. Protected species not included. No requirements for this in the SSD. Noxious weeds system documents how these weeds should be identified.
	B45	The 2021 OEMP does not explicitly state that waste generated outside the site must not be received at the site for storage, treatment, processing, reprocessing, or disposal.	Review and revise the OEMP to include the requirement that waste generated outside the site must not be received at the site for storage, treatment, processing, reprocessing, or disposal	Noted will action	30 th June 2022 COMPLETED 04.03.22 SS	The requirements for not receiving outside waste have been added to the OEMP Section 11.2 Reveal and disposal of waste
	B46	The requirement to retain all sampling and waste classification data for the life of the development is not explicitly stated in the 2021 OEMP	Review and revise the OEMP to include the requirement to retain all sampling and waste classification data for the life of the development in accordance with the requirements of the EPA.	Noted will action inclusion into the OEMP that records will be held electronically for the life of the project.	30 th June 2022 COMPLETED 30.03.22 SS	The requirements for the retention of sampling and waste classification records have been included in OEMP Section 11.1 Classification of waste.
	B52	The OEMP does not explicitly address all of the requirements of Condition B52 (e.g. covering of loads, keeping turning areas clear) as they relate to the Existing Development. The Auditors are not suggesting that all of the requirements should be addressed in the OEMP but keys aspects of traffic management could be addressed more holistically (e.g. not impacting public roads / local roads / footpaths, covering loads).	Review and revise the OEMP as considered appropriate to address the traffic and access requirements as they relate to ongoing operations of the Existing Development.	Noted will action improvements to OEMP in this regard and refer to Rendering Site - Traffic Management plan for additional detail.	30 th June 2022 COMPLETED 30.03.22 SS	Traffic and access items have been added to section 12.2 Existing Rendering plant – Traffic Management plan, which refers to the Site's existing Traffic Management plan which considers items such as roadwork, access, parking, traffic flow and general operating conditions.
	B63	The Auditors note that the Bird Life Monitoring Plan (BLMP) indicates that laser lights are a common visual deterrent. However, they could only be used in compliance with Condition B74	In the event that it is proposed to use lasers as a mitigation method, ensure that the method complies with Condition B74 and approval is sought from Tamworth Regional Airport.	Noted		

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		and presumably any requirements of Tamworth Regional Airport				
B76		The Auditors observe that the Neighbour Call Register does not identify the residences consistent with Figure 2, Appendix 2, but does include Tamworth Airport Management. The call register does not include the TRC or Registered Aboriginal Parties.	The Auditors recommend that Baiada: a. Review and revise the Oakburn – Neighbour Call Register so that the Figure 2 sensitive receivers are identified (i.e. R1 to R4); b. Identify the relevant interested stakeholders that are required to be consulted in accordance with this condition; and c. Obtain in writing if stakeholders have particular consultation requirements (e.g. only during specific stages of the development or only at a requested frequency).	Call register to be updated to include Sensitive receivers R1 thru R4 where not already included.	30 th March 2022 COMPLETED 30.03.22 SS	The Oakburn – Neighbour Call register has been updated to include sensitive receivers R1 thru R4 where not already included.
				Updates to OEMP include stakeholder consultation at each stage. Aboriginal parties will be included in this communication	30 th June 2022	Section 6 of the OEMP relating to Site Communications has been updated to include different forms of communication and when they should occur.