

**STANDING COMMITTEE ON  
ENVIRONMENT AND PUBLIC AFFAIRS**

**PETITION NO 59: REGARDING THE RESOURCE RECOVERY CENTRE -  
CANNING VALE**

**TRANSCRIPT OF EVIDENCE TAKEN  
AT PERTH  
WEDNESDAY, 25 JUNE 2008**

**SESSION ONE**

**Members**

**Hon Sheila Mills (Chair)  
Hon Bruce Donaldson (Deputy Chairman)  
Hon Kate Doust  
Hon Paul Llewellyn  
Hon Robyn McSweeney**

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**Hearing commenced at 10.43 am****ATKINS, MR ROBERT****Director, Environmental Regulation, Department of Environment and Conservation,  
sworn and examined:****RAINE, MR KENNETH****Manager, Environmental Hazards, Department of Environment and Conservation,  
sworn and examined:**

**The CHAIR:** Good morning. On behalf of the committee I would like to welcome you to the meeting. Before we begin I must ask you to take either the oath or the affirmation.

[Witnesses took the oath or affirmation.]

**The CHAIR:** Thank you. You will have signed a document entitled “Information for Witnesses”; have you read and understood that document?

**The Witnesses:** Yes.

**The CHAIR:** These proceedings are being recorded by Hansard. A transcript of your evidence will be provided to you. To assist the committee and Hansard, please quote the full title of any document you refer to during the course of this hearing for the record. Please be aware of the microphones and try to talk into them. Ensure that you do not cover them with papers or make noises near them. Please try to speak in turn.

I remind you that your transcript will become a matter for the public record. If for some reason you wish to make a confidential statement during today’s proceedings, you should request that the evidence be taken in closed session. If the committee grants your request, any public and media in attendance will be excluded from the hearing. Please note that until such time as the transcript of your public evidence is finalised, it should not be made public. I advise you that premature publication or disclosure of public evidence may constitute a contempt of Parliament and may mean that the material published or disclosed is not subject to parliamentary privilege.

Would you like to make an opening statement to the committee?

**Mr Atkins:** I would like to make a short presentation to provide some context and background on the issue and the role that the department has played and to provide a basis for questions. I will begin by stating that the Southern Metropolitan Regional Council—hereafter referred to as the SMRC—is a body that provides waste management services for its member councils—Melville, Canning, Fremantle, East Fremantle, Kwinana, Rockingham and Cockburn. It operates a waste management facility in Bannister Road in Canning Vale, which is known as the Canning Vale Regional Resource Recovery Centre. The centre has three main operations: a rotary vessel and maturation shed waste composting facility, a green waste mulching facility and a recyclables separation facility.

The role of the Department of Environment and Conservation is to enforce the provisions of the Environmental Protection Act 1986; assess compliance with ministerial conditions and commitments; license prescribed premises—the RRRC is a prescribed premises—and, where appropriate, set conditions; and assess compliance. The role of the Environmental Protection Authority is to set levels of assessment, assess the original proposal and provide a report and recommendations to the Minister for the Environment.

The EPA assessed the RRRC proposal at a level of consultative environmental review. The SMRC provided a report to the EPA in 1999. The EPA released bulletin 938 with recommendations to the then Minister for the Environment in June 1999. The minister subsequently approved the proposal with conditions under ministerial statement 517 in July 1999. The RRRC was granted works approval on 17 July 2002 by the then Department of the Environment to construct the facility under part V of the Environmental Protection Act. The facility was constructed and a licence to operate under the act was granted on 22 October 2002. The facility became fully operational in March 2003.

Odour complaints about the facility first occurred in early 2004, and increased in late 2004 and 2005. The department considered that odours in late 2005 and early 2006 were unreasonable and impacted residential areas surrounding the facility. The DEC believes there are two specific scenarios that can give rise to odour complaints: normal operations, where some odour is emitted on occasions and impacts on residential areas, primarily dictated by atmospheric conditions—odours appear to impact on residents when there are light south-easterly breezes, which occur mainly during spring and summer; and occasional plant failures, which produce significant odours generally over short periods—for example, in one night. The SMRC odour consultant, the Odour Unit, has advised DEC that if the biofilters are operating correctly, odour should not be detected more than 30 metres from the biofilters. DEC has verified on numerous occasions that this statement is correct, and very little odour has been detected at the biofilters when they are operating correctly. The SMRC is required to ensure that the composting buildings at the RRRC maintain negative pressure; that is, they suck in air rather than letting it escape through open pathways such as doors, and process the extracted air through the biofilters. The Odour Unit has established that negative pressure is maintained at the facility.

DEC receives complaints directly by telephone and via email. It also receives complaints from the Canning-Melville Community Odour Action Group's website. The number of complaints increased markedly after the creation of this website, as it provides an additional and convenient means of lodging a complaint. The website enables complainants to lodge an odour report, which is then forwarded to government ministers, local governments, senior DEC officers and the SMRC. Complaint numbers from 2006 to May 2008 are: 110 complaints in 2006; 525 in 2007; and, to May 2008, an additional 445. DEC also requires the SMRC to set up a dedicated odour complaint line. This has been established, but some residents appear to have refused to use it.

In terms of regulating odour emissions, it is the responsibility of business operators to ensure that they comply with the relevant legislation and licence conditions. DEC carries out enforcement activities under the act and in line with its enforcement and prosecutions policy. There are a number of enforcement options available to the department, including issuing environmental field notices, which are, in a sense, written instructions to take corrective action; issuing warnings; issuing environmental protection or pollution prevention notices, which are statutory notices; issuing infringement notices for some offences other than odour; issuing modified penalty notices; and prosecutions for odour offences if they are regarded as unreasonable emissions.

[10.50 am]

Looking at that for a moment, under section 49 of the act it is an offence to cause or allow an unreasonable emission of odour. Unreasonable odours are defined as those that unreasonably interfere with the health, welfare, comfort and amenity of the public. An offence under this section is what is regarded as a tier 2 offence, with a maximum penalty of \$125 000, and that is awarded through the courts.

The RRRC operates by licence under part V of the Environmental Protection Act, and licences are subject to conditions imposed by DEC. It is a tier 2 offence to contravene a condition of the licence. It is worth noting at this point that there are no specific conditions relating to odour emissions within the licence, as odour emissions are treated specifically under section 49 as unreasonable emissions.

In ministerial statement 517 for the facility, the SMRC committed to actions to minimise odours. These actions relate to the design of the buildings and the operation of the plant. There are defences under the act in relation to emissions that occur as a result of an accident or emergency that is not caused by negligence, and for taking reasonable precautions.

Odour investigations are complex, as all plant operating conditions and staff activity relating to the emissions must be investigated. There is no equipment that can measure odour accurately for the purposes of an investigation. Currently, DEC odour response protocols require an inspector to attend a location and verify and assess odour intensity and character—that is, offensiveness—prior to taking any enforcement action or recommending action. This has been problematic, as the odour is often not present when an officer arrives in the area. It is transient in character, it appears to be mobile, and it is difficult to track down. Determining whether an odour is unreasonable is also complex and has to be based on time, place and circumstance, including odour intensity, frequency, duration and character.

In response to odour complaints, DEC required the SMRC in early 2006 to reduce odour emissions from the facility by having a consultant prepare and implement an odour reduction plan. The plan was developed by May 2006 and implemented during that year at a cost of approximately \$2.6 million. Although it was expected to be completed by December 2006, there was some delay in completing this work until February 2007. Due to this delay, the continuing complaints and verification of unreasonable odours from the facility, DEC requested that the facility voluntarily close down over the Christmas and New Year period of 2006-07. However, as the SMRC refused to do so, DEC served a pollution prevention notice under section 73A of the act on 20 December 2006. The prevention notice required the facility to cease accepting waste until such time as DEC was satisfied that the odour emission issue had been resolved.

The SMRC requested that the prevention notice be lifted on 5 January 2007. However, an assessment by DEC resulted in the notice being kept in place. On 2 February 2007, DEC subsequently verified that there were no odour emissions, and the notice was lifted, subject to the SMRC implementing a staged start-up process to control odours and undertake odour monitoring to verify that its works had been satisfactorily put in place. After the facility reopened, unreasonable odour emissions returned and the complaints increased. In response to these increased complaints and DEC odour verification in late March 2007, the SMRC was instructed by DEC to abate the odours or face further enforcement action. Consequently, the SMRC voluntarily ceased to receive waste at the composting plant on 27 March 2007 to undertake further odour improvements. Over the next two months, the SMRC recommenced operations, initially at 25 per cent capacity and incrementally increasing. For a period of three weeks in April 2007, there were no odour complaints.

DEC has investigated the RRRC for compliance with the conditions of the ministerial statement and the licence. DEC determined that although the SMRC had met its commitments, the odour performance had not met the modelled values in its consultative environmental review application made to the EPA and assessed by the EPA. However, there is no condition in the ministerial statement relating to odour performance, so they remain commitments.

In May 2007, in accordance with the recommendations of the Odour Unit, the SMRC completed extensive repairs and upgrades to the odour collection and treatment equipment and systems, including the four biofilters at the composting plant. DEC inspected the upgrades and determined that they had been completed satisfactorily.

DEC adopted a protocol of responding to complaints after hours and attempting to verify the odour on a scale of zero to six, which is a scale used in Germany for odour assessment. They are using what is called a VDI scale. This methodology is accepted internationally, which is why the department has chosen to use it. Where odours were verified, and the odour intensity was more than three on the scale of six, DEC contacted the SMRC and tried to track the source of odours inside the

plant. Environmental field notices were issued by DEC when these odour sources were identified for corrective works to be undertaken.

If a specific plant failure was identified, DEC commenced an investigation into the circumstances to determine whether a breach of the act had occurred. There are currently three such incidents under investigation by the department. Plant failures have included failure of the biofilters due to what is known as dry tracking of the air flow; failure of the biofilters due to breakdown of the media inside the biofilters; ducting pipe work to a biofilter allegedly being left open overnight after maintenance; a rubber connector on a ducting pipe to a biofilter allegedly failing; and extraction fans failing. They are basically equipment and operational failures.

[11.00 am]

Throughout 2007, DEC carried out many night-time odour surveys, daytime inspections and after-hours response to odour complaints. As the odours were generally not detected during the day, and infrequently at night, as well as being of low intensity when officers did detect them, DEC did not pursue further enforcement action in relation to normal operations of the RRRC. However, action was taken by DEC when a plant failure caused significant odour emissions.

The odour complaints have continued. DEC considered that the complaints had some validity. However, its complaint response and odour survey methods generally failed to support the level of odour that was the subject of the complaints. As I said earlier, there are a number of reasons why verification of odours in this situation has been difficult.

DEC wrote to the SMRC on 10 January 2007 seeking confirmation that the composting plant was operating at world's best practice, and advice as to whether all possible measures had been taken to reduce odours. The SMRC responded on 15 February 2008 confirming that the plant was operating at world's best practice and stating that there was little else it could do to further reduce odour emissions. At the same time, DEC resolved to conduct its own comprehensive odour survey over a representative period during the worst case weather conditions—that is, light south-easterly breezes—using officers from the air quality branch who had not previously been involved in the issue and therefore were able to make an objective assessment. The department also resolved to conduct a community survey to objectively determine attitudes to odours in the community. The basis for that was that there are many routes through which odour complaints can be lodged, particularly via emails and websites; therefore, it is difficult to verify those complaints.

In April 2008, DEC carried out intensive odour surveys, and it prepared a report, which shows that there are unreasonable odour emissions from the RRRC on occasions. The results also indicated that odours are difficult to detect, as they often impact only on small areas for short periods and move quickly. The results also indicated that odours might not be detected near the plant, but they could be detected further away from the plant in residential areas. This report is still being finalised, and we will make it available to the committee as soon as we possibly can after it has been finalised.

DEC is currently developing the community attitude survey in consultation with the Department of Health. It is expected that the survey will be completed by the end of July 2008.

I turn now to health concerns. I will comment on this matter only generally, because these issues really should be addressed by the Department of Health. The department has received numerous complaints about health issues that are attributed to emissions from the RRRC, and we have requested advice from the Department of Health on possible health impacts. In order to determine if chemical compounds were present in the emissions impacting on the community, DEC provided air sampling canisters to two households. The residents of these two households were founding members of the Canning-Melville Community Odour Action Group. Several canister samples were taken. These canisters are sealed containers, and people can simply open the valve when they think there is an odour impact on them. The canister collects the sample by drawing the air in, and the

valve is then shut off. The canister is then collected by the department and taken to the chemical laboratories and analysed for its content. That is a technique that we have used in other communities where people have been impacted by emissions, and it provides very useful data. The results have indicated that volatile organic compounds were detected, but only in very low concentrations in the parts per billion range. One of the compounds detected, Limonene, has a citrus-like odour, and another, Pinene, has a pine-like odour. Both these compounds are commonly used as scents in domestic cleaning products.

In response to the sampling, the Department of Health required the SMRC to conduct an independent health risk assessment of the composting plant's emissions. This assessment was carried out by a company called Toxikos. Both our department and the Department of Health have reviewed the draft report from Toxikos. The Department of Health has requested that further assessment be undertaken, particularly in relation to the findings of the April 2008 intensive odour survey that DEC has carried out. The Toxikos report provides information that although the levels of chemical emissions may not themselves exceed exposure guidelines, it is possible that odours will generate physiological symptoms in sensitive individuals. The Department of Health may be able to provide further information in this regard. Obviously that report is still being completed. DEC's intensive odour survey report indicates that odours from the facility are still unreasonable during normal operations when certain weather conditions occur. That occurs infrequently and is generally short-term. As a result, the SMRC is looking at further abatement measures for these emissions, and DEC is currently determining the most appropriate mechanism to achieve this, ranging from statutory notices to amendments to the licence conditions.

In summary, DEC considers that despite the SMRC carrying out extensive odour reduction work at the composting plant, the SMRC does not appear to be meeting the predicted odour performance of the plant as stated in its consultative environmental review. DEC will consider appropriate regulatory action once the results of all the surveys that are currently under way have been completed and the health risk assessment report has been made available in its final form. That is an overview of the history of the facility from our perspective, and of the mechanisms and steps that we have taken in regulating the plant over time since it was first commissioned, and where we are proposing to go from here.

**The CHAIR:** Thank you, Mr Atkins. Do you wish to add any comments, Mr Raine?

**Mr Raine:** No, not at this stage.

**The CHAIR:** Why did the SMRC refuse to close the facility voluntarily during the Christmas-New Year period in 2006?

**Mr Atkins:** That is a question that you really need to put to the SMRC.

**The CHAIR:** It did not give you any reasons for why it refused to close it?

**Mr Atkins:** Its response to us was it did not agree with us on the level of impact from odour emissions, so we had a difference of opinion in that regard.

**The CHAIR:** On how many occasions during DEC's assessment of compliance with the conditions, procedures and commitments in ministerial conditions statement 517 has the SMRC been found to be in noncompliance?

**Mr Atkins:** Compliance with the ministerial statement is difficult, because the odour modelling and the odour commitments are commitments in the statement, and the commitments in the statement are not legally binding; they are commitments made by the proponent in support of its application. Also, it is based on modelling, which is always difficult to regulate.

**The CHAIR:** So basically it is meaningless?

**Mr Atkins:** It is difficult to enforce. The enforcement really needs to be through the part V licence, and also assessment of unreasonable emissions under section 49. The real essence of enforcement is

under section 49. We have, I think, three investigations afoot at the moment for unreasonable emissions under section 49, which may or may not result in enforcement action or prosecution.

**The CHAIR:** The SMRC disputed an issue of compliance in December 2006. Have there been other occasions on which it has disputed issues of compliance; and, if so, has the Minister for the Environment ever had to determine any compliance issues that have been in dispute?

**Mr Atkins:** The main areas of debate with the SMRC have been over odour intensity, extent of odour emissions and the potential impact on the community. The SMRC in fact has been quite responsive to directions for improvements to the facility and has done a lot of work there.

The situation we find ourselves in now is that despite all the work that has been done and the improvements that have been made to the plant, short-term emission impacts are still occurring in the community.

[11.10 am]

**The CHAIR:** Do you believe that the ministerial conditions contained in statement 517 from July 1999 have ever been updated?

**Mr Atkins:** Not to my knowledge.

**The CHAIR:** Do you think they should be?

**Mr Atkins:** With a facility that is regulated under part V of the licence condition, it is much better and crisper regulation to regulate it under the licence rather than under ministerial statements. The issue with ministerial statements is that once they are issued, they sit, unless, as you have suggested, they are amended, whereas a licence is renewed between every one and five years. A licence remains current and can be updated. It also remains on the operating table of the licensee, whereas ministerial statements can get lost in time. I am not suggesting that that is the case with this facility but it certainly has been the case for other long-term facilities when the management has changed. The currency of ministerial statements can be lost in administration, whereas a licence stays current and is updated fairly regularly. My advice is that if the regulation of a facility is to be tightened, it is better to do it under part V rather than to revisit ministerial statements.

**Hon KATE DOUST:** What is the licence period for the SMRC and at what stage is that process at?

**Mr Atkins:** I ask Mr Raine to answer that.

**Mr Raine:** The licence I have is dated 12 September 2005 and it is still current.

**Hon KATE DOUST:** When is it due to expire?

**Hon ROBYN McSWEENEY:** Perhaps a copy of the licence could be provided.

**Mr Atkins:** It is in here somewhere but I cannot see it. I think it is September 2008, but I would have to confirm that.

**Hon KATE DOUST:** It looks like the licence is coming up for renewal. Given the level of complaints from the community about the health impacts and disruption to their lives and homes, and obviously the surveys that you are planning to have ready in July, will that go to each household in July?

**Mr Atkins:** It will be a random telephone survey using fairly standard survey techniques of a sample of households in the impact area.

**Hon KATE DOUST:** Will you use the feedback from that as part of the negotiation process for the new licence? Will that assist you in typing up some of the conditions to alleviate those problems that the people are complaining about?

**Mr Atkins:** Yes, it will. We will use that and the odour emission study that we have completed and are finalising the report on. We will also use the studies that the SMRC is currently completing. All those will help inform the licence review. It is worth stating at this stage that although a licence is

set for a period of time—I think this is a three-year licence—either the licensee or the department can initiate an amendment to a licence at any time. We do not have to wait for a renewal period if we need to amend a licence. We also have at our disposal environmental protection notices under section 65 and pollution prevention notices under section 73A to issue a direct instruction for action over and above anything that is set out in a licence. A notice that we issued in December 2006 to cease taking waste was a pollution prevention notice under section 73A, and that has the force of law. The point I make is that we do not have to rely on a renewal period of a licence to make changes.

**Hon KATE DOUST:** Your submission talks about odour performance and how it had not met the modelled values in the consultative environmental review but then you go on to say that there is no condition in the ministerial statement relating to odour performance. Is that because at the time the original ministerial statement was issued, it was not perceived to be a problem?

**Mr Atkins:** I can only speculate that at the time the statement was issued, the performance that had been stated in the consultative environmental review that it would be less than 2.5 odour units beyond the boundary line that was put into that report was accepted as being the level of performance that could be achieved by the SMRC.

**Hon KATE DOUST:** Given the level of complaints about odour, and obviously whatever comes out of your surveys, if it were found that there is a justifiable odour problem, would the ministerial statement be adjusted to reflect that?

**Mr Atkins:** There are a number of courses of action. That could be done under section 46 of the act. The minister can ask the EPA to review the statement and amend it. The licensee, the SMRC, can ask for a review of the statement under section 46, or we can institute additional measures to be undertaken by the SMRC through an environmental protection notice or a pollution prevention notice. There are a couple of options. The short answer to the question is yes.

**Hon BRUCE DONALDSON:** I bring you back to page 5 of your submission and the number of complaints. The number of complaints made in May 2008 is 445. Was that between 1 January and the end of May?

**Mr Atkins:** Yes, it was.

**Hon BRUCE DONALDSON:** Do those figures come from the Canning-Melville Community Odour Action Group, or do you get complaints directly?

**Mr Atkins:** Both. We get complaints directly, either by email to our duty officer or through our complaints line. We get a large number of complaints from the website of the action group. It is a combination of all the above.

**Hon BRUCE DONALDSON:** Are you concerned about the 445 complaints received between 1 January and 31 of May, given that if that rate continued, you would get about 1 000 complaints a year?

**Mr Atkins:** We certainly would be concerned. It is difficult to verify all those complaints. It is possible that those complaints can be a mixture of people, if you like, simply lobbying versus people who are genuinely affected by the complaint. One of the reasons we are carrying out our telephone survey next month is to try to get a tighter handle on what are the genuine impacts that people are affected by versus those people who are using the website as a means of communicating to a large number of people. A large number of members of Parliament and councillors are on the email list on that website. It is very easy to go onto to the website, make a statement and hit go, and the email goes to everyone that the person who sends it wants to influence. It is possible that that website has a mixture of genuine complaints and people who simply want to make approaches to their representatives or the department. It is not possible to sort that out, so we will conduct a telephone poll on odour impacts.



**Hon KATE DOUST:** What is the sample number that you will use?

**Mr Atkins:** That is still being sorted out.

**Mr Raine:** The City of Canning conducted a survey in 2007 that involved doorknocking households around three concentric rings of the facility. We will try to replicate that to make a comparison to determine whether the odour has improved.

[11.20 am]

**Hon BRUCE DONALDSON:** The other issue is that there is a figure of 525 for 2007. Was that early in the year before February, when I understand that the completion of the \$2.6 million of capital outlay on improving the odour coming from that plant was underway? Did the majority of those 525 complaints come after or before the capital outlay?

**Mr Raine:** A quick breakdown from January 2007 shows that we started the year with about 26 complaints in January. They started increasing in February to 212 in March 2007, dropped down through April back to the twenties and it stayed through the twenties down to 13 in November. In December it ramped up again to 28 so there was a reduction during the middle of the year, which coincided with completion of the odour improvement program.

**Mr Atkins:** I think you will find that the 212 figure in March occurred about the time CMRC voluntarily closed down again to make further improvements.

**The CHAIR:** On page 14 you indicate that DEC's intensive odour survey indicates that odours are still unreasonable and that the most appropriate mechanism to achieve reduction in the emissions range from prevention notice, prosecution or amending SMRC's licence. Is closing down the plant an option if it is found to be untenable as far as odour control is concerned?

**Mr Atkins:** The act allows for the licence to be suspended for a period or revoked. They are options that are available to us under the legislation.

**The CHAIR:** Do have you a time line on these investigations that you are carrying out?

**Mr Atkins:** For investigations into the odour studies, we are looking at the end of July, early August for all that work to be completed. Investigations into alleged breaches under the act are in the hands of the environmental enforcement unit investigators. It is difficult to put a time line on those because that is formal evidence collecting and witness statement taking. That obviously takes some time. It is a fairly painstaking exercise if we are looking at prosecution. I would not like to put an estimated time on that.

**Hon ROBYN McSWEENEY:** Regarding the independent health risk assessment done by Toxikos. It is in draft form; will that be released publicly? Who owns that to release it publicly? Did SMRC, DEC or COH commission it?

**Mr Atkins:** SMRC commissioned and funded it. It is being peer reviewed by both DEC and the Department of Health. Certainly, once it is released those departments will be free to make any public statements about it.

**Hon BRUCE DONALDSON:** Have the agencies discounted or eliminated any other facilities in that area that could have been causing any part of those odours? There are other facilities that could. Have you reviewed the whole issue of other plants in the area?

**Mr Atkins:** We have identified other odour sources. We know what they are and where they are. They certainly impact on the community from time to time. It is possible that, on some occasions, people get confused about what the source is and blame the RRRC for an odour that is coming from another source. The odour work we have just completed very clearly identifies some emissions into the community from this facility, so we are able to confirm that there are occasions when we are quite confident that the RRRC is the source. We know also when there are other sources. One of the difficulties the SMRC faces is that if material on the green waste collection area, which is on the

same site nearby, is left for too long before it is taken away and shredded, it can emit odours that are easily confused with what can come from the facility. Because of the proximity of them, it will be hard to differentiate that. We have made that point to SMRC and, as far as I am aware, it is taking steps to make sure that does not continue to be a source of odours.

**Hon KATE DOUST:** What other sources have you identified in the area?

**Mr Atkins:** There are a number of food processing facilities in the Canning Vale industrial area that, from time to time, emit odours, most likely as a result of their waste not being dealt with in a timely fashion. There is the green waste collection area. The other issue is—there is no verification of this—the area where the RRRC facility is located is the old Canning landfill site. There is unprotected soil there and, under strong wind conditions dust coming from that site can contribute to the issue. It is an industrial area and there are a number of operations that potentially can cause odours.

**Mr Raine:** When we send officers out there we make it clear that they have to try to track the odour, not just detect it at a residential area. They have to try to find the source. They are instructed to go across the odour stream up wind until they find the source. Generally, we are able to discount other sources or track them. Some of the sources we are aware of include bore water, which has a very distinctive sulphide rotten egg gas smell, which is different from the odour from the plant; the Soils Aint Soils facility on the corner of Bannister and South Street; and a dog pound across the road from the RRRC plant. We believe odours have been detected from there once. A facility that burns landfill gas is located slightly to the north of the SMRC and there is potential for some odours to come from that but, again, not the same type of odour. Further into Canning Vale there is a seafood processing facility, which we have tracked on two occasions; and a bakery which we have tracked odours to on a couple of occasions. That too is a distinctive odour. Further down into Canning Vale there is a BGC fibre cement facility, which puts out another odour, which again is distinctive; it is like a hydrocarbon wet cement odour. There is a can producing factory—I think it is Amcor—that produces a heavy sort of oily burnt plastic type of smell on occasions that I have observed myself; and a galvanising plant that produces on occasions an odour, which is more of an acrid type of alkaline odour, but they are located quite some distance away to the north, further into Canning Vale which would affect a different population of people from the Leeming residents. Those are some of the other sources revealed in that area.

**Mr Atkins:** We do not expect there to be no odours from this facility or any other facility we regulate. We are talking about whether the odour is unreasonable in terms of the definition under section 49 of the act. We do not expect it to be like a clean bathroom; it is an industrial plant. You will know it is there.

**Hon KATE DOUST:** How do you decide if it is an unreasonable odour?

**Hon PAUL LLEWELLYN:** There is a threshold.

**Hon KATE DOUST:** What is that?

**Mr Atkins:** We rely on the German scale of nought to six. We have people who are trained and calibrated to that. The testing method of calibrating people weeds out people with no sense of smell or who are too sensitive. One of our inspectors has no sense of smell. He can stand in the middle of a plot and think everything is fine. Because we relying on human senses, we have to calibrate it as much as possible and make sure we have, if you like, a normal range of people because there is no electronic way of doing this. We then need to rely on witness impact statements that what they smell is offensive. What might be offensive to me might not be offensive to you.

**The CHAIR:** We understand that some residential houses are as close as 500 metres from the plant. You just said it is an industrial plant. What is the recommended buffer distance? Those houses existed before the plant was built. You obviously did an assessment of the plant. Is 500 metres an acceptable buffer for a facility of this kind?

[11.30 am]

**Mr Atkins:** The EPA has odour guidelines that it uses in its assessments that I understand has a buffer distance in it. I cannot quote that here, but we can certainly provide those details to you subsequently.

**Hon PAUL LLEWELLYN:** I refer to a statutory line of inquiry, a technical best practice line of inquiry and some spatial planning inquiries. From a statutory point of view, your report is comprehensive. However, can you prepare a table to show the number of field notices and warnings? Have you actually prosecuted anybody?

**Mr Atkins:** We have not initiated any prosecution at this stage.

**Hon PAUL LLEWELLYN:** Page 6 of your report shows the number of enforcement options available to you. Can you provide a table that shows the number of field notices and the timing involved, so that we have a sense of the scope of the issue?

**Mr Atkins:** Yes.

**Hon PAUL LLEWELLYN:** Thank you. Licence 77994, category 67A, indicates that the purpose of the facility is for composting, manufacturing and soil blending. It indicates that it is premises on which organic material, excluding silage or waste distorts, is used in processing—mixing, drying or composting—to produce commercial quantities of compost for blended soils. One of the contentions is that the facility is not producing commercial quantities of compost, because it is unsaleable, but it is producing material that can be used as landfill. If that were the case, it would be a breach of the licence conditions.

**Mr Atkins:** The purpose of the premises is as defined by you. The quality of the product and whether it is commercially marketable is not the business of our department. It is a matter of whether the licensee can sell something and make a profit or has to deal with it in another way. It is not the business of the licensing process to deal with that.

**Hon PAUL LLEWELLYN:** I am pointing to what appears to be an inconsistency in the licensee's performance subject to the primary licence condition. I come back to the technical aspect of managing the odours. Have you undertaken research into other facilities around the world that use the Bedminster composting techniques and their methodologies for odour management? Have you determined whether they are using horizontal beds or vertical bio-reactors? Do you give advice to the SMRC on the kind of technical solutions they might need to put in place to mitigate the odour problem?

**Mr Atkins:** No, we have not done that research. We have required the SMRC to engage suitably competent consultants to advise it on how to control the odours. The department sets the performance criteria on which the facility performs; it is up to the licensee to how it achieves those outcomes. The performance criteria is that there be no unreasonable emissions on the community. How it does it is up to it. The department does not tell people how to do things. It tells people what they have to achieve. There have been instances in the past in which the department has directed people on how to do things. That is a situation in which the department assumes responsibility for the technical solution, whereas the licensee should be responsible for their own technical solutions.

**Hon PAUL LLEWELLYN:** Are you aware of other facilities like this around the world that have been shut down for various technical reasons and the reasons for those facilities being shut down?

**Mr Atkins:** I am aware of that. I am also aware of other facilities within close proximity of communities that operate satisfactorily. There is a mixed bag in that regard. To that extent we are currently assessing and issuing works approvals for the Mindarie facility, which will be a composting facility. As a result of our experience with SMRC, we are being a lot harder on Mindarie by requiring them to provide a lot more justification for the performance of their facility before a works approval is issued. The works approval is issued for a staged commissioning of that

plant as well. As a result of the experience at southern metropolitan, we are being particularly cautious.

**Hon PAUL LLEWELLYN:** Is that a similar Bedminster-type facility?

**Mr Atkins:** It is a similar waste composting facility that uses a vessel digester and then a maturation shed. While it might not be the same commercial product, it is a similar style of facility.

**Hon PAUL LLEWELLYN:** Knowing that similar facilities are experiencing problems and it is expensive to regulate this—lots of people are out late at night testing the odour emission and preparing expensive reports—I thought it would be prudent to ascertain whether the technologies that are being used elsewhere are effectively managing the odours. I do not know whether you have a prescriptive role, but certainly your role is to ensure that the problem is resolved.

If there is no obvious technical solution to achieving an odour emission that is acceptable to the community, what planning issues will be put in place? Is it possible for the whole operation to be moved? Would you go as far as recommending that? Do you have the powers to do that?

**Mr Atkins:** We do not have the powers to do that. It is really a matter for the SMRC and the local authority in which the facility is located. In this case, I think it is the City of Canning. I mentioned earlier that the most extreme options available to the department are suspension or revocation of the licence.

**Hon ROBYN McSWEENEY:** If, hypothetically, the licence was to be revoked, it would cause a huge problem for the local governments that use that facility. If it was closed down, is there a facility that they could use? Would it not put greater pressure on the other facility?

**Mr Atkins:** The only way I can answer that question is that when we asked them in December 2006 to cease receiving waste, the household-municipal waste had to be diverted to landfill. While the SMRC can confirm this, I understand there was difficulty in finding landfills with the capacity to receive those volumes of waste. When we look at the list of councils that feed into the SMRC, it is a considerable proportion of metropolitan Perth's population.

**Hon ROBYN McSWEENEY:** We need to find a solution to this problem.

**Hon PAUL LLEWELLYN:** I need to tease this out, because there is a huge waste stream coming into this facility. We cannot turn it off just like that. If you were to issue a notice, is it possible to give a staged notice? That would give the facility time to relocate and rebuild.

**Mr Atkins:** Absolutely. The value in an environmental protection notice or a pollution prevention notice is that the scope of specification can be as broad as one wants to make it. The licensee can be required to cut back or stage down or be given a time by which they must put in place corrective works. There is a lot of flexibility there. I agree with members that it is desirable for the facility to be operating, and to continue operating, and to do so at best practice. We are talking about diverting waste from landfill, which is an important principle in modern society. From the department's point of view the desirable outcome is that the facility continues operating without causing unreasonable emissions. That is the bottom line.

[11.40 am]

**Hon PAUL LLEWELLYN:** I go back to my first point, which relates to the licensing condition that says the facility needs to produce commercial quantities of composted blended soils. My concern was that if you put garbage in at one end, you will get garbage out at the other end and unusable contaminated compost, which must then simply be landfill. This question does not relate to odours, but would it be possible to modify that licence condition when it next comes up for renewal, to ensure that the company is improving the end product, because at the moment it is contaminated and unusable? Could you set standards about the amount of contamination in the end product?

**The CHAIR:** Hon Paul Llewellyn, we are getting out of the confines of the terms of reference of this committee. Perhaps you want to put the question on notice to the minister.

**Hon KATE DOUST:** On page 10, you listed some specific plant failures. I just wonder about the frequency of those failures and whether you keep any data on them. Are they attributed to ongoing poor maintenance and what sort of maintenance structures are you aware of at the SMRC?

**Mr Atkins:** We can certainly provide the data. In providing the details of the notices that we have served, which Hon Paul Llewellyn asked for, you will see that frequency. The biofilters dry tracking was certainly a significant problem prior to 2007. That was one of the main issues. That is where some of the main improvements have occurred. There are three significant improvements. I will not go into the detail because the SMRC is much better placed to outline that for you when they come on later on. It was the management, design and operation of the biofilters; the conditioning of the extraction air that reduced the likelihood of drying out the biofilters; and the sealing of the unit so that there was negative pressure and so that all of the extractable air went through the biofilters. The biofilters are a box of woodchips that are kept moist. The bacteria on those woodchips strip out the gases that come through. It is a biological system, and so you have got to keep it sweet. Upset it and the bugs die, the thing dries out, and dry tracking is, if you like, shortcutting through the system. That was one of the main areas of focus on improvements. It is a rare occurrence now. Some of the others were one-off operation plant failures. The most common failure early on was the biofilters, but that is now fairly rare.

**Mr Raine:** There was one failure allegedly of the biofilter in late December last year with dry tracking, which caused a spike in odour complaints.

**Hon BRUCE DONALDSON:** You mentioned that you have officers who track back the odours to the plant. Where do they actually track to? Do they track to where the biofilters are? Which part of the plant are these odours coming from?

**Mr Raine:** That is a really good question and it is the one that defeats us a lot because, as Mr Atkins mentioned earlier, you can detect the odour far away, and as you come closer to the plant the odour decreases because it appears that it is rising up and then dropping down, so it is difficult to find the source. On occasions we have found the source, like the biofilter or, on one occasion, some uncovered material in a truck. The problem that has been eluding both us and the SMRC is pinpointing the exact source. When the report comes out I think it will shine a bit of light on that because we have been looking at the biofilters as a primary source of odours, and that may not be the case. It may be fugitive. All the work that was done by the SMRC last year was on negative pressure to make sure that odours did not escape, because of the potential that there might still be an escape from other parts of the building. It is a very good question. I do not have an answer, but we do our best to try to track the odours to the source, so that when there is what we call a three out of six odour, the officers are supposed to go to the SMRC, go inside and have a look around the facility to see whether they can track it, but it often very difficult.

**Hon KATE DOUST:** I refer back to the number of phone calls. It was interesting to note that you had asked the SMRC to establish its own phone line. I think that the comment you make is that residents appear reluctant to use that SMRC hotline. Can you provide us with any reasons that you think they are reluctant or have refused to use it?

**Mr Atkins:** That comment is based on some comments we had from a number of residents who end up ringing our line. When they were asked whether they have rung the SMRC line, they said no. I do not want to speculate as to why that might be. Our experience is often—it not just specific to this situation but to many of our situations—complainants are reluctant to contact the premises. They would rather contact the department.

**Hon KATE DOUST:** Why do you think that is? Surely it is better to make a complaint direct to the source.

**Mr Atkins:** That is our view absolutely, and we encourage people to do that, but there seems to be a natural reluctance for people to complain to the source. They would rather have the regulator sort it out for them. Obviously, we would rather it was the other way around. It is a natural tendency we find statewide, so it is not peculiar to this particular location.

**The CHAIR:** You do not think it is that the residents there do not trust the SMRC?

**Mr Atkins:** There is often that situation. That is the most likely speculation that you could make, and it is not unusual whether it is SMRC or any other one of the other 900 premises that we license around the state. There is a tendency for members of the community not to trust the industry that is near them. That is a big challenge for licensees—to gain the trust of their communities and keep it. A lot of people have difficulty with that.

**Hon KATE DOUST:** Once you have done all your research and analysis of your reports and community surveys, given the level of complaint that we have received from the community, which is based around the SMRC, which is not in a uniform pattern but is quite often in a range of places, is there anything that the department can offer as a potential solution to try to alleviate the difficulties that members of the community face with the odours? People are saying to us that they are talking about selling their homes; that there is difficulty in selling their homes; and that they are sick and tired of interruption to their family lives. Some are presenting with health issues that they attribute to the odours. Do you think that there is a physical solution to this issue, aside from the obvious solution put to us of shutting it down? Is there another way around it?

**Mr Atkins:** There ought to be. You are talking about trapping odours from the composting floor that is completely shedded and a digester that is completely sealed, containing those odours and treating them before you release the air into the atmosphere. It ought to be technically possible to do it. How much that might cost and the feasibility of those solutions for a facility designed in this way is where we need consultant engineers to look at it.

**Hon BRUCE DONALDSON:** I am not an engineer or an odour consultant. I suppose this has been looked at: could they draw the air off and put it into a stack with scrubbers, as Alcoa has done? I know they did it for a different reason at Wagerup where they were taking chemicals out. I just wonder whether it is possible to extract it from that air, even from the biofilters, to put it into the atmosphere. That whole area is obviously subject to inversion layers because of the temperature and atmosphere, as has been pointed out. That is very similar to what Alcoa at Wagerup has, where Alcoa has katabatic winds that cause the problem there. They heightened their stacks and put liquor burners in, literally scrubbing the chemicals out. I do not know whether that is feasible or a possibility or whether it would be any good.

**Mr Atkins:** I would prefer you direct that question to the SMRC.

**Hon BRUCE DONALDSON:** I just wonder whether you are aware of any other types of plants and facilities that have odour problems and how they have dealt with them.

**Mr Atkins:** The only other facility that is producing an organic odour, which has been brought under control, is a facility at Hazelmere, which is a rendering works and is using similar biofilter technology. Those odours are under pretty good control. Having said that, the buffer to the nearest residents is probably a bit greater than it is for the SMRC, so they have probably got a bit more of a comfort zone. The biofilter technology ought to do the job. As Mr Raine pointed out, we are now not convinced that the biofilters are the contributing source. There may well be some other fugitive emissions that need to be tracked down. The SMRC is aware of that.

**The CHAIR:** Thank you, Mr Atkins and Mr Raine, for coming here today. Just a reminder that it is confidential, and you will receive a copy of the transcript for any corrections you might want to put in. There will be references to further information that you have agreed to supply.

**Hearing concluded at 11.50 am**