

**THE SERPENTINE-JARRAHDALÉ  
RATEPAYERS AND RESIDENTS  
ASSOCIATION INC.**

PO BOX 250 MUNDIJONG WA 6123



20<sup>th</sup> October 2014

Hon. Simon O'Brien MLC,  
Chairman, Standing Committee on  
Environmental & Public Affairs,  
Parliament House,  
Western Australia

Dear Sir,

**RE: BIO-ORGANICS, OAKFORD**

Please find attached documentation which supports the concerns of petitioners and surrounding land owners, as expressed in the Petition No. 469, recently presented by the Hon. Donna Faragher MLC.

The issues surrounding the Bio-Organics site in Oakford are of concern to the Shire of Serpentine Jarrahdale Ratepayers and Residents Association Inc.; and most particularly those residents who live close to the site. The petitioners are concerned that a Parliamentary Inquiry is necessary to thoroughly investigate the Bio-Organics operations, approvals processes and ultimate closure. We, the Ratepayers & Residents of Serpentine Jarrahdale are also concerned that the appropriate regulatory bodies have failed in their responsibility to protect residents and their environment.

We therefore humbly request that a Parliamentary Inquiry undertakes an appropriate investigation, to ensure that residents receive comprehensive information about any impacts that Bio-Organics may have had and that no similar occurrences take place in the future.

Yours faithfully,

Alan Clarkson,  
President, Serpentine Ratepayers & Residents Association Inc.

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Extract for Submission to Parliamentary Committee on WA State environmental regulation of licensed waste management premise Bio-Organics.

The environmental impacts to groundwater, soil contamination and odour nuisance caused by the Bio Organics facility in Oakford were a direct result of deliberately ineffective environmental regulation by the DER and their ongoing practice of allowing 'trials' of (hazardous/industrial) waste processing that are likely to result in pollution. The DER is responsible for overseeing and regulating industries handling a range of wastes including municipal, industrial, clinical and hazardous waste and is under pressure to find means by which all of these waste streams can be managed. Unfortunately this has resulted in many instances where inappropriate mixing and/or handling of wastes streams by private operators has been permitted to occur by the DER resulting in harmful impacts on the environment and the public. These activities are sanctioned by the DER with little or no public input and often only come to light after pollution or sickness has been identified.

The DER and the Department of Health have a track record of allowing private waste managers to conduct trials of waste materials which are foreseeable going to lead to pollution events that will impact on the local population and environment. These include:

- joint 'trials' by the DER (then DEP) and the DOH in the late 1980's to burn PCB waste in the sub-standard Medicollect incinerator in Feldspar Rd Welshpool which resulted in airborne PCB contamination and deposition around the site and soil/groundwater contamination on-site.
- DER (then DEC) manipulation of licence conditions for private waste recycler Waste Control Pty Ltd in Bellevue in 2001 to allow them to store dangerous quantities of hazardous waste and conduct trials for perchlorethylene recycling. "Blind eye" regulation of the site led to Western Australia's worst chemical waste fire and explosions causing massive contamination that has not yet been remediated but cost at least \$10 million to manage to date. This incident led to a previous WA Parliamentary inquiry (ref) which found widespread evidence of regulatory failure by the DEC and a culture of *changing licence conditions to reflect the interests of the operator* rather than protection of the environment. Compliance monitoring and enforcement were found to be the option of last result in the culture of the environment agency.
- DER allows the Oil Energy Corporation hazardous waste incinerator in Schillaman Road, Port Hedland attempt to burn perchlorethylene waste and other halogenated pesticides in a two year 'trial' between 2001-2003. In what was really an exercise in stockpile disposal, the 'trial' was deemed 'unsuccessful' due to high levels of chlorinated emissions. Despite parliamentary questions in 2012 requesting the emission levels of dioxin measured by private consultants during this trial, the information has never been released to the public.

The culture of the DER and its predecessor agencies (DEP,DEC) have been under investigation on many occasions in the last 15 years (The Robinson Review xxxx The Welker report xxxx, Waste control parliamentary inquiry, alcoa parliamentary Inquiry ) and has found to be one where the regulator and the regulated are too close for effective environmental protection. The proponent has too much influence on licence conditions and economic considerations are given more weight than environmental protection. The outcome is a reluctance by the environment agency to take action that requires compliance and enforcement against the waste operator.

These enforcement actions are considered a last resort. It may take years before enforcement measures are taken over ongoing pollution and they are often watered down by 'modified penalty' regulations that amount to little more than a parking ticket fine for a polluting waste operator. The cost of remediating the environmental damage can cost millions and destroy the lives of members of the public whose land has been impacted and health and amenity degraded.

There is also a need to investigate the increasingly conflicted arrangements of the EPA, DER, environmental consultants and other related agencies. Only two months ago it became public that some or all members of the EPA are conflicted by business interests (mainly shareholdings) in relation to over twenty five projects approved in recent years placing those approvals in jeopardy and destroying confidence in the environmental assessment process. More projects have been approved by the same EPA Board since that investigation and are still under a cloud.

Environmental consulting businesses such as 'Strategen' who act as environmental and approvals advisers for the operators of Bio-organics may also require further scrutiny given that they are comprised mainly of staff members who have recently left their employment as regulators at the DER and is headed by a former Appeals Convenor to the Minister. While this is not illegal, it raises serious questions of ethics and conflicts of interests between the 'regulators and the regulated' in the environmental protection sector and using contacts and 'mates' in the system to approve proposals and 'trials' that would not otherwise be considered.

In the case of Bio-Organics the 'trial' was the blending of industrial liquid wastes with compost to supposedly create a better product. The outcome was possibly tainted compost product, contaminated groundwater on and off site with industrial liquid wastes and extensive odour pollution. However, the waste market has an unusual feature in that people are paid to take the waste away. Much like the Waste Control Pty Ltd operation – large amounts of money are made from accepting waste (gate fee) not treating the waste afterward. There is a clear temptation for operators to accept as much waste as possible at the gate and find the cheapest way to get rid of it.

There is now a perception that Bio-organics, with the collusion of the DER, accepted vast amounts of industrial liquid waste as a pretence of using it as a compost ingredient, when they were actually letting it drain way into the soil. Compost can only absorb a certain amount of liquid and the rest must be stored or somehow disposed of. The large sums of money received at the gate may have motivated the operators to allow liquid waste to be drained off into the soil so as to allow the continued acceptance more liquid waste.

The DER also refuses to release the list of wastes that it allowed the company to accept arguing (on behalf of the company it would seem) that the information is commercial in confidence. This is hindering the investigation of groundwater contamination and may be critical information in assessing whether the compost product they distributed to schools and local government is contaminated and represents a threat to the public. It is high farce that the DER are taking action to close the facility for pollution yet defending (and abetting) the company's right not to disclose what waste they accepted that led to the pollution, because it might reveal Bio Organic's secret compost recipe.

This inquiry must consider the chain of approvals and regulatory events that led to the approval of the Bio-organics operation and their activities in accepting industrial liquid waste outside of the licence which led to environmental pollution. Careful attention should be paid to the role of individuals within the regulatory agencies, their decisions, their interaction with Strategen consultants and the involvement of senior government politicians in lobbying the DER to withhold enforcement action while the pollution problem continued to grow. Issues of conflict of interest, nepotism and political favours should be investigated to see what role they played in the environmental disaster. The system of environmental approvals and regulations appears to be seriously compromised and recommendations for its rehabilitation are urgently needed.