



Don Randall JP MP

Member for Canning

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Wednesday, 29 October 2014

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

Dear Mr O'Brien,

I write in relation to the petition submitted by Alan Clarkson of the Serpentine-Jarrahdale Ratepayers and Residents Association concerning the Bio-Organics facility in Oakford. As I am sure you're aware, this area falls into the electorate of Canning for which I am the Federal representative.

I'd like to thank you for your invitation to put forward a submission to the Standing Committee on Environmental and Public Affairs in relation to this issue.

While I understand the Department of Environmental Regulation (DER) has recently shut down the Bio-Organics facility, the primary focus of my concern relates to the residents of Oakford who have complained about a putrid odour coming from the site, with some saying they have suffered nausea, stinging eyes and sore throats.

It is accurate to say the original discharge, reported to the DER environmental hazards branch in 2013, was sourced to the Bio-Organics site. It contained high nitrogen, ammonia, and chloride as well as heavy metal concentrations. Upon being notified of this the DER ordered Bio-Organics to remove an underground pipe which connected to the drain from its leachate retention dam – a large pond that collects liquid waste run-off.

The drain in question is not located on the Bio-Organics' site. In actual fact, it is situated on the adjacent property owned by Mal Dempsey. I personally visited Mr Dempsey's property in September and he informed me that he had received communication from the DER prompting him to register the property as a contaminated site. After objecting, the DER deferred its decision pending further groundwater investigations but 12 months on, Mr Dempsey says nothing has happened and he is stuck in limbo.

I am concerned that the DER has not completed the appropriate groundwater investigations in a timely manner. Additionally, I am apprehensive that there has been no independent investigation planned, with the investigation having to be conducted by Bio-Organics themselves with only the results provided to the DER. I realise that under the *Contaminated Sites Act 2003* it is stipulated that the "polluter pays" but I would stress to you that there needs to be an avenue for independent assessment.



When my office approached the DER regarding the appropriate timeframe concerning groundwater testing, they advised that as a starting point a realistic amount of time for the completion of the initial groundwater investigations is six months. The DER advised that this is dependent on information obtained as the investigation progresses. It is of concern to me that the appeal lodged by Bio-Organics in relation to their license may be hampering the progress of the investigation, and ultimately a resolution for residents and property owners like Mr Dempsey.

For your reference, independent reports commissioned by both the Shire of Serpentine-Jarrahdale and residents in Oakford revealed high nitrogen, ammonia, chloride and heavy metal concentrations that are suggestive of industrial effluent contamination. The DER have stated there should be no risk to people providing they do not use bore water for domestic purposes unless it has been professionally tested, and if necessary, treated. It is important to note that many of my constituents utilise bore water for both agricultural and residential purposes.

In addition to this, I am gravely concerned with regard to the approvals process undertaken by the DER in relation materials taken to the Bio-Organics site. It needs to be clarified whether the approvals were given within the appropriate guidelines, if they were granted retrospectively and if they were made transparent and readily available to concerned parties.

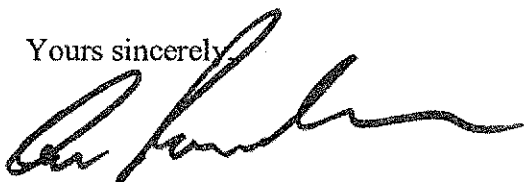
Finally, attention must be given to information I have received that indicates contaminated leachate had been draining from the Bio-Organics site via a drain system into the Serpentine River. For your information, the Serpentine River discharges into the Peel Inlet near Mandurah and it has been suggested that this may contributed to the condition of the Peel-Harvey estuary.

As with any Government department, I would hope there is a willingness to be open and transparent about matters such as this. I believe the community is highly justified in their want to initiate a parliamentary inquiry and believe they ought to have the opportunity to voice their concerns without the threat of litigation. As you know, this issue is ongoing and to date, unresolved. A parliamentary inquiry will enable this matter to be drawn to a conclusion.

I'd like to again thank you for taking the time to address my submission and would ask you in your discretion to afford this important issue the attention it requires.

Please don't hesitate to contact my office should you wish to discuss this matter further.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Don Randall', written over a horizontal line.

Don Randall MP
Federal Member for Canning