

KALGOORLIE-BOULDER WASTE WATER TREATMENT PLANT, ODOUR EMISSIONS

2559. Hon Nigel Hallett to the Minister for Education and Training representing the Minister for the Environment

I refer to a document I understand is titled 'Environmental Protection Notice' dated January 30 2004 issued to Total Waster Management Pty Ltd concerning the waste treatment plant in Kalgoorlie-Boulder -

- (1) Is it correct that part of this document dated January 30 2004 states 'This notice issued because I suspect on reasonable grounds there is, and is likely to be, an emission of odour from the Premises and that emission is likely to cause pollution, namely a direct alteration of the environment at Boulder'?
- (2) If no to (1), can the Minister specifically quote the text from the document dated January 30 2004?
- (3) Can the Minister state how did the Department factually determine to suspect on reasonable grounds there is, and was likely to be, an emission of odour from the premises and that emission was likely to cause pollution, namely a direct alteration of the environment at Boulder.
- (4) If no to (3), why not?
- (5) Can the Minister state how on what basis did the Department factually determine that the emission of odour from the premises was likely to cause pollution to the detriment of an environmental value, being the beneficial use of land at Boulder for residential and other purposes?
- (6) If no to (5), why not?
- (7) Can the Minister state how the beneficial use of land at Boulder for residential and other purposes can be to the detriment of an environmental value under the *Environmental Protection Act 1986*?
- (8) If no to (7), why not?
- (9) Can the Minister state what is the importance and significance of the term beneficial use of land at Boulder for residential or other purposes under the *Environmental Protection Act 1986*?
- (10) If no to (9), why not?
- (11) Can the Minister factually define and state what are the beneficial use of land for other purposes at Boulder?
- (12) If no to (11), why not?

Hon LJILJANNA RAVLICH replied:

The Minister for the Environment; Science has provided the following response:

- (1) Yes.
- (2) Not applicable.
- (3) The Department of Environment investigated an odour problem in South Boulder, which occurred primarily over a two-week period in late December 2003 early January 2004. The investigation identified Total Waste Management in south Boulder as the source of this odour emission. This investigation was undertaken by Delegated officers under the Environmental Protection Act 1986 and found that the odour was not present upwind of the Total Waste Management premise and not significantly contributed to down wind of the premise by other sites. Coupled with this the Department had received verification of impacts on amenity from a large number of residents in the Boulder area. On Tuesday 19 October 2004 Total Waste Management pleaded guilty in the Kalgoorlie Court of Petty Sessions to one count of emitting an unreasonable emission. The Magistrate imposed a fine of \$7,500.
- (4) Not applicable
- (5) As explained in the answer to question (3), the Department of Environment factually determined that the odour emission from Total Waste Management had affected the amenity of a large number of residents in the Boulder area. Section 49 of the Environmental Protection Act 1986 defines unreasonable emission as "an emission or transmission of noise, odour or electromagnetic radiation which unreasonably interferes with the health, welfare, convenience, comfort or amenity of any person". Similarly Section 3 of the Environmental Protection Act 1986 in part defines beneficial use as meaning "a use of the environment, or of any portion thereof, which is 'conducive to the public benefit, public amenity, public health or aesthetic enjoyment...' Given the information collected at the time, the Department considered that sufficient evidence existed that Total Waste Management had impacted the public amenity of the area. Also as stated in question (3), this impact on public amenity was confirmed

on Tuesday 19 October 2004 in the Kalgoorlie Court of Petty Sessions when Total Waste Management pleaded guilty to one count of emitting an unreasonable emission.

- (6) Not applicable.
- (7) Section 3 of the Environmental Protection Act 1986 states that "environmental value" means "a beneficial use". As mentioned in my answer to question (5) beneficial use is also defined in Section 3 of the Environmental Protection Act 1986 to include public amenity as one of the beneficial uses of the land.
- (8) Not applicable.
- (9) To issue an Environmental Protection Notice under Section 65 of the Environmental Protection Act 1986 the Chief Executive Officer of the Department of Environment needed to "suspect on reasonable grounds that there is, or is likely to be, an emission from any premises, and the emission has caused or is likely to cause pollution". Section 3A defines pollution as a direct or indirect alteration of the environment to the detriment of an environmental value. As mentioned in my answers to questions (5) and (7) the Department deemed it likely that public amenity, as one of the beneficial uses of land, was being impacted and therefore the environmental value was at risk.
- (10) Not applicable.
- (11) No.
- (12) The Department of Environment has not undertaken a comprehensive analysis of all of the beneficial uses of the Boulder area. Suffice to say however, that public benefit, amenity, safety, health and aesthetic enjoyment would be included.