

Meeting notes: Brooklyn Community Reference Group Community Meeting 2/2010

Date: 19 May 2010

Time: 6:00 for 6:30 – 8:00pm

Where: Brooklyn Community Centre, Cypress Avenue Brooklyn

AGENDA

Chair: Jen Lilburn

Meeting Purpose: To provide an update on progress towards resolution of dust and odour issues

6:00	Light Refreshments
6:30	1. Welcome, apologies Confirm meeting purpose and agenda
6:40	2. Update on resolution of dust and odour issues (Chris Xhayeteux, EPA Victoria) Inc questions/discussion
7:20	3. Update on dust monitoring program (Paul Torre, EPA Victoria) Inc questions/discussion
7:45	4. What's proposed for the next community meeting
8:00	Close

Please note that the notes from this meeting will be posted on EPA Victoria's website and will be available to the general public. Meeting participants should advise Jen Lilburn if they would like their name removed from this public document.

Item 1. Welcome

Jen Lilburn welcomed all attendees and reminded those present of the agreed group principles for meeting conduct. An outline of the agenda was provided, confirming the opportunities to ask questions following each of the presentations.

Item 2. Update on resolution of dust and odour issues

Chris Xhayeteux (EPA Victoria) provided information on inspections and compliance notices issued since the last meeting. It was stressed that the EPA has moved from a position of assisting companies to meet their obligations to taking direct action against companies that do not comply with emission controls. A copy of the presentation can be found as Attachment 1.

Richard Marks (EPA Victoria) confirmed the EPA's approach to offending industries and its commitment to improve the community's living conditions by improving air quality standards in the area.

Questions were fielded from the group, including:

1. Is stepping up enforcement enough? Will it result in change?
Richard confirmed that the EPA's approach has been given greater powers to prosecute and to use 'restriction of trade' measures using court orders. He believes this will result in improved conditions.
2. Given there can be a long wait between an offence and the matter going to court, what is being done to make offending industries comply between committing an offence and prosecution?
The EPA is working on streamlining their processes, but court waiting lists are long. They can issue notices to stop trading, but these must go through the court process.
3. Is anyone investigating odours?
The EPA confirmed that investigations are underway, but the process does not allow them to be specific with names of companies.

Note by Chair: after the meeting, EPA advised the following: after checking with our Enforcement Unit I can say that we have current investigations alleging Cargill, Australian Tallow, and Sita for odour incidents in the Brooklyn area.
4. How long has the BCRG been running? Has there been success? Have the issues changed?
This question was answered by a Group member, Bruce Light, confirming that the Group has existed for over 5 years and that previous minutes were available. He verified that the issues are the same and that progress is being made through the collection of evidence and EPA action. He asked residents to be patient, noting that some companies 'don't get it' but that change is occurring.
5. If you're found driving an unroadworthy car you cannot continue driving it. Is any tool available to the EPA to shut down offenders? Is it possible to have 24 hour monitoring?
The EPA has some powers requiring offending industries to cease operation in the event of aggravated pollution, such as a chemical spill, but this still has to be backed by the court system. The EPA is not currently resourced to enable 24 hour monitoring.
6. It was noted that there is an upcoming election and if laws need to be changed to enable greater restrictive trade action then elected and intending MPs should attend the next meeting. Can we formally request that sitting and opposition candidates be invited to the next meeting?

Action 6.6: Jen Lilburn to invite sitting and opposition candidates to the next BCRG meeting

7. Who pays for the consultant working with companies to reduce their emissions?
The EPA paid for the consultant. EPA chose to take this action to expedite solutions to the area.
8. Aren't companies required to restrict emissions within their boundaries? Shouldn't dust monitoring take place at the boundary of the premises?
The EPA has determined that the best way of monitoring dust was through officer observations.
Note by Chair: after the meeting, EPA added: *I have confirmed the evidence gathering process with our Enforcement Unit. Evidence gathered by officers in the field will provide a solid case.*
9. Shouldn't polluters pay for monitoring, not the EPA? Doesn't their quality assurance require this?
The EPA confirmed that some companies do, but it is not mandatory.
10. Concern over observation techniques was expressed particularly as it only covers particle sizes greater than PM10. Isn't it true that the finer dust particles (less than PM10) can be a greater health risk?
See Agenda Item 3.
11. How are dust particles monitored at night?
The instruments in place monitor 24 hours a day. Officer observations take place during the day to reinforce that there is a problem and to identify sources.
12. Dust emissions occur at night too (cited example of son's car cleaned in the afternoon and covered in dust film in the morning). Placement of monitors affects results.
EPA was surprised by this observation. Dust emissions may occur at night, however during periods of high dust levels, monitoring results are showing the highest dust levels are generally measured between 7am to 5pm. These levels align with the main activity occurring in the Brooklyn industrial estate.
Note by Chair: after the meeting, EPA provided the following clarification: *The monitors have been placed to allow an assessment of the impact of the Brooklyn Industrial Estate on the local residents, not whether some individuals are impacted more than others.*
13. Odours are a big issue. What devices are used to measure odour?
The Chair referred to a useful EPA document produced last year outlining how this is done.
Note by Chair: after the meeting EPA advised that *the document is currently being updated. It will be distributed via the BCRG e-list as soon as it becomes available.*
14. Given the difficulty of moving an industry once established, was it wise to issue a permit to the fish processing plant recently approved?
Council will provide background later in the meeting.
15. Some night time operations produce vile odours, disturbing sleep and getting worse over time. How can this be reported without a 24 hour complaint service?
The EPA simply does not have the resources for a 24 hour service, but this issue will be taken back to EPA management.
Note by Chair: after the meeting, EPA provided the following clarification: *Pollution Reports can be lodged at any time on EPA's Pollution Watchline (9695 2777). There have been some reports of problems with the system which was recently changed. If you do have problems making a report please let us know.*
16. Why did the EPA remove the 500metre buffer proposed for the fish processing plant?

The EPA will take this question on notice as those attending this meeting do not have the detail. A suggested 500 metre buffer did apply to a much larger facility, but this matter will be raised with officers in the EPA's statutory unit for response.

Note by chair: this question has been added to the questions received at the conclusion of the meeting, for subsequent answering.

17. What information is available about filters at the tallow plant?

Note by chair: this question has been added to the questions received at the conclusion of the meeting, for subsequent answering.

18. Are there not conditions on industry licenses for odour/dust emissions?

Industries are required to operate within specific conditions and the EPA has been working with them to achieve compliance. Where this has not occurred the EPA is now taking direct action, and investigating using measures such as restrictions on trade.

Item 3 Update on Dust Monitoring Program

Paul Torre (Air Quality Scientist, EPA Victoria) provided information on the Dust Monitoring Program, including the location of dust monitors and the type of testing occurring. This presentation is included in Attachment 2. A question and answer session followed Paul's presentation.

19. How long will all the data collection and analysis take?

The EPA confirmed that enforcement will continue, but collection and analysis of the data will take approximately 12 months. The monitoring will be much more detailed and will identify whether elements raised as being 'of concern' by residents exist.

Note by Chair: after the meeting, EPA provided the following clarification: *Air monitoring will be expanded to include asbestos monitoring and the collection of dust over 12 months for chemical analysis. A risk assessment of the dust collected will be undertaken on the samples collected over a 12 month period. Allowing time for the chemical analysis of all dust samples collected the risk assessment is expected to take approximately 14 months to complete after sampling has commenced.*

20. Yooralla views this as being of great concern to the community and is collecting its own data, including a health register of its staff.

The EPA reiterated that it too sees industry emissions as a matter of great importance in the community and is doing everything possible to achieve improvements.

21. Is keeping a health register something other groups/individuals should consider doing?

The EPA takes health issues very seriously and is working with a range of other organisations in this area, including the Department of Health and Local Government. The EPA can follow this up with other responsible agencies.

22. Should residents consider wearing dust masks?

Jen Lilburn committed to provide information from the last meeting to the person who asked this question.

23. How do we make more community members aware of the issues and how can the community assist the EPA?

The EPA will be distributing a newsletter to all local residents and businesses via Australia Post within the next 1-2 weeks.

24. Why are initial results from earlier readings not available yet?
A range of different techniques has been involved and the data is analysed by specialists in NSW. This all takes time.

Note by Chair: after the meeting, EPA provided the following clarification: *The monitoring up to date only measures the dust levels in air, it does not collect dust for chemical analysis. Dust samples will be collected during a 12 month period and sent off for chemical analysis to four laboratories, two located in NSW.*

25. We are impatient for change. Would Council consider health checks now to monitor health?
Cr Tony Briffa confirmed that the Council is already liaising with the Health Department.

Some scepticism was expressed at the Health Department's recommendation that people 'at risk' should reduce their exposure as far as possible.

Cr Raffoul informed the meeting that there will be penalties imposed on offending industries.

26. Will the money raised through these penalties be channelled back to the community?
There is provision for this at the magistrate's discretion. There is no opportunity for EPA or local government to ensure that the penalties are invested in the Brooklyn community.

Note by Chair - further information was received from EPA after the meeting, as follows: *EPA receives applications from community groups for the alternative sentencing (Inspiring Environmental Solutions Program). EPA assesses applications and provides recommendations to the magistrate. Every effort is made to link a local project to the fine. Some fines are quite large which provides the opportunity to fund several projects, which allow worthy projects from other locations to share in the funding.*

27. Request that the letter-drop distribution area be extended to the Altona North area and that the newsletter include information about where residents can go for health checks?
This request was noted by EPA.

Note by Chair: this question has been added to the questions received at the conclusion of the meeting, for subsequent answering.

28. Can the EPA clarify what buffer zones apply to what industries?
This is not a simple thing to clarify. Buffers can differ under different Acts, for example Planning controls may recommend something different from EPA controls. A commitment was made to bring a Statutory Planner from Council and the EPA to the next meeting.

Action 4.11: *Stephen Sully to invite a Statutory Planner to the next BCRG meeting*

Stephen Sully, General Manager City Development, Brimbank City Council acknowledged that many of the offending industries are located in Brooklyn and that their effects extend to other adjacent areas. He highlighted that Brooklyn is an important business area, providing employment to around 3,000 people. The area needs the industry, but needs to achieve and maintain higher standards to ensure residents enjoy an acceptable amenity. Stephen informed attendees that he is relatively new to the Council, but should be in a better position to have more information available at the July meeting.

With respect to the recently approved fish processing plant, Stephen advised the meeting that fish processing represented only part of the activity approved and was limited to 25 sq metres, it is a small operation and Council was advised that the quantity of fish processed per day would be 150kg. Permit

conditions restrict the number of employees to four on the site at any one time and limit the space to be used for fish processing to 25sqm. Council will be actively monitoring the premises to ensure that permit conditions are being complied with.

Discussion continued...

29. How is asbestos handled?
Tom Buxton, as the only licensed asbestos treatment business in the area, responded. He confirmed that his business operates under very strict conditions. All asbestos arrives double wrapped, bins are not tipped to ensure no disturbance and material is buried in an isolated part of landfill.
30. Can EPA place a monitor on the Southern boundary of the Sunshine Groupe's landfill?
EPA advised that if Sunshine group wanted to place a monitor, then EPA would support that action.
31. The EPA needs to inspect entire property of offending industries. Asked EPA to look at rear boundary fence of Tallow operation which is where all unwanted rubbish is dumped.
The EPA responded that it has extensive powers of entry enabling them to investigate entire premises and they use these powers.
32. Tallow is a big issue. Can the EPA put information in the newsletter providing greater opportunity to residents of the Sunshine area to comment and learn about what is happening?
The May newsletter does cover an update on Australian Tallow.

Note by Chair: see also Q 39 at the end of these minutes.

33. Some roads in the area are in a filthy state. Who is responsible for cleaning up the filth?
Stephen Sully from Brimbank Council responded that roadside rubbish dumping is an issue that Council is addressing and proposed construction will assist with some currently unsealed roads. Vic Roads have responsibility for some roads and EPA agreed to follow up with Vic Roads on this issue.

Action 3.15 *Chris Xhayeteux to speak to VicRoads about the cleaning of built-up dirt on local roads*

34. Emissions tests need to be done as a matter of urgency if there is any possibility that asbestos dust could be one of the components.
Tom Buxton took exception to this suggestion, reiterating that his company handles asbestos with the strictest adherence to safety measures.

And finally..

Charlie Volpe from the Brooklyn Residents Action Group took the opportunity to remind attendees that the Group's next meeting will be held on Wednesday, 26 May 2010 and that everyone is welcome.

The Chair thanked all attendees for coming to the meeting and for observing the agreed rules for conduct at the meeting. Participants were asked to note any further questions for answering after the meeting (see page 7), and were asked to indicate responses to 5 evaluation questions (see page 10).

Next BCRG on 14 July 2010, including updates by

- EPA & Council regarding future initiatives
- Industry regarding dust control measures

The meeting closed at 8.30pm

Notes taken by Margot Harrison and reviewed by Jen Lilburn. Relevant sections of these notes have been checked by EPA and Brimbank CC to ensure that their statements and responses to questions have been recorded accurately.

Additional questions

The following questions were received after the meeting or could not be answered during the meeting:

For EPA:

16. Why did the EPA remove the 500metre buffer proposed for the fish processing plant?
EPA received the statutory referral from Brimbank City Council 1 December 2009 for a warehouse for seafood processing. EPA advised Brimbank City Council (13 January 2010) that a works approval was not required for the facility and recommended permit conditions to meet environmental guidelines.
EPA provided a further referral (19 Jan 2010) in response to the location of this proposal within the buffer guidelines. EPA assessed that the small scale of the facility (up to 150 kg/day of fish) would not cause odour to be an issue for the nearest residential zone at 360 metres. The buffer guideline of 500 meters pertains to a business processing more than 200 tonnes per year (roughly four times greater than this proposal).
EPA can only assess the proposal based on the application at the time. Any future plans by this business for expansion would require a revised planning application through council, which EPA would again be asked by Council to assess and provide a referral.
In its referral, EPA has stated conditions about the management of waste water and stormwater. The applicants would be required to get appropriate approvals from City West Water for this. The final decision regarding this proposal lies with Brimbank City Council to determine if the applicant meets council requirements and to advise the applicant of conditions nominated by EPA through its referral.
17. What information is available about filters at the tallow plant?
See Q 39 below
27. Request that the letter-drop distribution area be extended to the Altona North area and that the newsletter include information about where residents can go for health checks?
This is the first time the newsletter has been letter box dropped by EPA. The suburb of Altona North is very large, with not all residents affected by the Brooklyn Industrial Estate. If residents want to contact EPA with individual street names commonly affected by Brooklyn dust or odour, we can arrange for these to go on a mailing list.
The current newsletter was written and sent to printers prior to the May meeting. Future newsletters can include information about health checks if this service is offered by Council or the Department of Health.
35. Re EPA's proposed particle assessment process, was mineral GYPSUM included on the list? Chemical name: hydrated calcium sulphate.
If not included, please request that it be included in the analysis process.
The analysis will include the analysis of calcium and sulphate which are components of GYPSUM.
36. I also wanted to reiterate how important it is to establish the exact extent and geographic span of the dust and odour pollution. In other words, how do we know communities beyond Brooklyn and Sunshine are not also affected?
I am concerned that this issue has a larger span and affect than what we think.
Health monitoring is also important, should people be suffering from debilitating affects and they may wish to pursue litigation against industry.
There are permanent air monitoring stations in surrounding suburbs of Footscray, Deer Park and Altona. The results of Brooklyn air monitoring have been compared to these stations, and therefore give EPA an idea of the spread of dust at varying wind directions. EPA is not finding elevated readings at these other stations, indicating that the spread of dust is localised to suburbs around the Brooklyn Industrial Precinct.

There have been some days when surrounding stations have peaks above the national air quality objective. These have generally coincided with weather conditions that have caused widespread dust problems across Melbourne.

37. Can you please email out contact details for who we ring to complain about dust/odour. Thank you
Pollution Watch ph: 9695 2777

Contact details for EPA pollution watch line are listed in the Brooklyn Newsletters, as well as EPA's website.

38. What are we to do about the tons of accumulated dust in our ceilings? As the clay moves our houses and the temperature rises and falls this dust is released into our rooms. Could proceeds of fines pay for a Brooklyn wide clean up of this industrial pollution?

The Alternative penalty program (sect 67Ac) can only provide funding to public projects, it can't be used to fund works to private residences.

39. Can we please have an update on what's happening with Sita i.e. are they even attempting to reduce odour in the short term?? Same question applies to Australian Tallow.

From newsletter issue 4 (to be delivered 31May)

- The Licence requirement for Sita to enclose operations by 1 September still remains. Sita are currently evaluating their options to enable compliance with this. (Commercial in Confidence information prevents EPA from disclosing further information than this at this stage)*
- Australian Tallow – ducting is being installed for the third biofilter, which is aimed to be operational by June. Odour consultants are being engaged to review the complete odour control system once the biofilter is operational.*

40. Can we get a truthful update on analysis of dust?

The Characterisation (composition) Analysis of the dust involves laboratory analysis for 20-25 different chemical elements. To determine the risk level that these particles pose to humans given the quantities being found at Brooklyn, a large number of samples must be taken to ensure findings are scientifically robust.

Regardless of the composition of the particles, the PM10 dust levels have already demonstrated a potential health risk due to the quantity of PM10 dust being measured at Brooklyn. This in itself is enough evidence for EPA to issue industry with clean up notices.

41. Could Old Geelong Rd be added to the attention of Vic Roads. Truck parking near the Geelong Rd corner produces a muddy verge which is tracked out onto Geelong Rd and blown as dust on the prevailing westerly winds. At times the mud is an inch thick on the bitumen at the corner.

EPA can raise this request with Vic Roads.

For Brimbank:

42. RE: Permit for fish processing. EPA and Council regulations aside, how can a permit be granted even though you have over 30 written objections?

In considering an application for a planning permit, Council must assess the application against all of the relevant provisions within the Brimbank Planning Scheme and the Planning and Environment Act, which includes taking into consideration any objections received to the application. Council has undertaken such an assessment for this application and concluded that it was appropriate to grant a permit. The assessment is contained in the report that was presented to the Planning Committee of Council on 4 May 2010. A copy of Council's decision has been sent to all of the objectors in the form of a Notice of Decision to Grant a Permit. If the objectors to this application do not agree with Council's decision, then they have an opportunity to appeal it to VCAT, who will then undertake an

independent review of the decision. The appeal provisions are set out on the back of the Notice that was sent to them.

The Planning and Environment Act sets out the procedures to be followed when objections are received to an application and Council has followed these procedures. The procedures are the same, regardless of how many objections are received to an application.

Meeting Evaluation

1. How often would you like BCRG to **meet** to discuss progress? (Note that a monthly update will now be sent via email/mail)

Responses:

Every 1-3 months: 24

Every 3-6 months: 7

Every 6 months+: 0

2. What would you prefer that future BCRG meetings discuss?

A combination of progress towards resolution, plans / strategy for the future and technical information about the issues / their resolution: 25 responses

A combination of progress towards resolution and technical information about the issues / their resolution: 2 responses

3. How satisfied are you that the right processes are in place to resolve odour?

Very satisfied 0	Satisfied 0	Neither unsatisfied or satisfied 6	Unsatisfied 3	Very unsatisfied 14
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4. How satisfied are you that the right processes are in place to – resolve dust?

Very satisfied 0	Satisfied 2	Neither unsatisfied or satisfied 8	Unsatisfied 1	Very unsatisfied 13
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5. Did tonight's meeting process enable adequate discussion of progress?

21 people indicated general agreement – dots were roughly spread along the left hand ('Yes') end of the continuum.

71 Attendees registered at the desk:

Alesha Capone	Star Newspapers	John Styzinski	Brooklyn Resident
Angela Ganley	City West Water	Karen Nolan	On The Nose
Anita Lussetti		Keith Billingham	
Anne Palmer	Hobsons Bay Residents Association	Kelly Kwan	Local employer
Annette Patrick	BRAG	Ken Deutscher	Huntsman Performance Products
Bert Boere	BRAG	Kerry Murphy	EPA Victoria
Bill Cole	Resident	Laurie Bell	BRAG/Brooklyn Ratepayers Committee
Brian Long	BRAG	Linda Trewern	Resident
Bruce Light	On The Nose	Lorraine Billingham	
Carey Patterson	Brimbank City Council	Lucas Zhang	Local employer
Carly Hammond	Sunshine Resident	Malcolm Ramsay	Hobsons Bay City Council
Carmen Largaiolli	BRAG	Marc Hewitt	Sims Metal Management
Cath Williams	Yooralla	Margot Harrison	Notes taker
Charlie Ragusa	Brooklyn Resident	Marie Long	BRAG
Charlie Volpe	BRAG	Marilyn Canet	Brimbank resident
Cheryl Batagol	EPA Victoria	Mark Globan	Sita
Chris Xhayeteux	EPA Victoria	Martin Hermans	Yarraville resident
Colin Palmer	Hobsons Bay Residents Association	Matt Vea	
Damian Cavanagh		Max Morley	
Dave Gooding	EPA Victoria	Michael Raffoul (Cr)	Hobsons Bay City Council
Foti Beratis	Maribyrnong City Council	Mike Jenkins	Resident
Fran	Resident	Nadia Verga	TPI/TWM Landfills
Gary Hobbs	Hanson Construction Materials	Paul Torre	EPA Victoria
Geoffrey Ricardo		Pierre Andipath	Sunshine Resident
George Tordy	EPA Victoria	Richard Marks	EPA Victoria
George Smetona	Altona North Resident	Robert Hague	Resident
Glen Haberl	Resident	Rohan Barron	City West Water
Heather Humphreys	Brooklyn Resident	Sara Davis	
James Fraser	On The Nose	Sheila Cabral-Sheppard	TPI/TWM Landfills
James Twining	Leader Newspapers	Stephen Sully	Brimbank City Council
Jan Cole	Resident	Sue O'Halloran	CMI Forge
Janet Tofileu		Thang Gia Huynh	RMIT
Jen Lilburn	BCRG Chair	Tom Buxton	Sunshine Groupe
Jo-Anne Williamson	Altona North Resident	Tony Briffa (Cr)	Hobsons Bay City Council
John Rowe	Local employer	Troy White	Swift Australia
		Val Bazjak	Veolia
Apologies			
Meredith Sussex AM	Brimbank City Council		
Tim Masters	City Circle Demolitions		