

Meeting notes: Brooklyn Community Reference Group Odour Meeting

4.15 – 7.00pm, 15 July 2009

Brooklyn Community Centre, Cypress Avenue Brooklyn

Chair: Jen Lilburn

Attendees

| | | | |
|------------------------|--------------------------|----------------------|--------------------------|
| Adrian Masterman-Smith | Altona North Resident | Malcolm Ramsay | Hobsons Bay CC |
| Annette Patrick | BRAG | Mark Hewitt | Sims Metal |
| Brian Long | BRAG | Mark Globan | Sita |
| Bruce Light | On The Nose | Marie Long | BRAG |
| Cath Williams | Yooralla | Martin Hermans | On The Nose |
| Chris Bydder | EPA Victoria | Matt Stanelos | Veolia |
| Clarissa Forster | Metro Waste Mgt Group | Matt Vincent | EPA Victoria |
| Craig Palmer | Australian Tallow | Michael Clarke (Cr) | Mayor Maribyrnong CC |
| Don Mitchelmore | Resident | Michael O'Keeffe | Sita |
| Foti Beratis | Maribyrnong City Council | Michael Raffoul (Cr) | Hobsons Bay CC |
| Geoff Mitchelmore | Altona North Resident | Nadia Verga | TWM Landfills |
| George Smetona | Altona North Resident | Neale House | Swift Australia |
| Herb Horrell | Brimbank City Council | Nick Morgan | Cargill |
| James Fraser | On The Nose | Noel Ryan | Huntsman Chemicals |
| James Twining | Leader Newspapers | Paul McBride | TWM Landfills |
| Jen Lilburn | BCRG Chair | Peter Hemphill (Cr) | Mayor, Hobsons Bay CC |
| Jeanette Cole | Resident | Rob Millard | Metro Waste Mgt Group |
| Jodie McQueen | Metro Waste Mgt Group | Sean Carroll | Swift Australia |
| Kate McAuliffe | Aust Tallow Producers | Sue O'Halloran | CMI Forge |
| Kerry Murphy | EPA Victoria | Tony Kairouz | Brooklyn Meat Processors |
| Kevin Annia | Swift Australia | Tracey Larsen-White | Yooralla |
| Kevin Hiser | EPA Victoria | Valerija Bezjak | Veolia |
| Laurie Bell | BRAG/Brooklyn Ratepayers | William Cole | Resident |
| Lowen Clarke | Altona North Resident | | |

Apologies

Gilbert Martin, Brooklyn Ratepayers Committee

BROOKLYN COMMUNITY REFERENCE GROUP ODOUR SUB-GROUP MEETING

Date: 15 July 2009

Time: 4:15 – 6:30pm

Where: Brooklyn Community Centre, Cypress Avenue Brooklyn

(REVISED) AGENDA

Meeting Purpose:

- To inform community members on odour issues
- To provide opportunities for feedback and discussion about odour issues
- To progress actions relating to odour

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| 4:15 | 1. Concurrent informal discussions with local industries (emphasis on odour) (stationed around the room) |
| 4:50 | 2. Welcome, apologies Confirm meeting purpose and agenda Confirm last meeting's minutes Introductions |
| 5:00 | 3. Waste Arrangements for Metropolitan Melbourne (Rob Millard, CEO Metropolitan Waste Management Group) |
| 5:30 | 4. Progress of priority actions: 1.2 EIPs; ID willing/unwilling industries (EPA) 2.1 Working with non-compliant industries (EPA/Brimbank) 2.4 Brimbank Industrial Land Use Strategy update (Brimbank) 3.10 Dust options paper - clarify (EPA) 4.6 Mayors/MPs/EPA meeting (EPA) |
| 5:50 | 5. Update and progressive outcomes on EPA odour monitoring program (Chris Bydder EPA) |
| 6:10 | 6. For consideration: Where to for BCRG & its Terms of Reference Format for next dust (and noise??) meeting Recognition of good performance |
| 6:20 | 7. Formal meeting close |
| 6:20 | 8. Building knowledge and capacity: Odour Legislation and Enforcement (Kerry Murphy, EPA) |
| 7:00 | 9. Close |

Refer to Rolling Action List for a full description of actions.

Please note that the minutes 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 the public minutes.

BCRG 15 July 2009 Odour Meeting Notes

Meeting notes to be read in conjunction with rolling action list.

Item 1 Concurrent informal discussions with local industries

An opportunity for discussion and learning involving volunteer industries was trialled: Swift, Australian Tallow, Sita, Brooklyn Meat Processors and Veolia each made themselves available for discussions and information exchange with small groups of community members. A sixth organisation, the Metropolitan Waste Management Group, provided an information display on green waste processing.

This opportunity was warmly received and appreciated by both community members and the industries that took part, with the consensus that it should be repeated at future BCRG meetings for longer than the 35 minutes allocated in this instance.

The willingness of the 6 organisations to take part in this trial was commended by the Chair and by BCRG generally.

Item 2 Welcome

Jen Lilburn, Chair BCRG officially welcomed all present and observed that she had become increasingly aware of the fact that the community, industry, local government and the EPA were working to the same objective: residents and industry co-existing in a sustainable and healthy environment.

Regarding the agenda, Jen Lilburn advised that she had received requests to allow more time for discussion of the item relating to odour legislation. As indicated in an email sent to the BCRG database the previous day, this item had been moved to the end of the meeting and was expected to run until 7pm (as per the attached revised agenda). Jen acknowledged that some people may have to leave at the advertised finishing time of 6:30pm.

Meeting participants quickly introduced themselves.

The minutes from the 20 May general meeting were confirmed, with a slight rewording necessary for action 3.10

Item 3 Waste Arrangements for Metropolitan Melbourne

Rob Millard, CEO Metropolitan Waste Management Group, gave a presentation on the Metropolitan Waste and Resource Recovery Strategic Plan. (see presentation). He explained that the Strategy was a 20 year vision to improve infrastructure and develop new facilities and technologies to divert green waste from Melbourne's landfill sites. The State Government has set a state target to divert 65% of municipal waste going to landfill by 2014. Melbourne is currently tracking at 43%.

In particular, Rob outlined the need to upgrade green waste processing facilities to meet future demand, including the development of new facilities using Advanced Resource Recovery Technologies such as enclosed or in-vessel composting.

An organics processing procurement tender will soon be advertised to develop these facilities to service the green waste needs for the north and west of Melbourne. By 2017, 36% of metropolitan landfills will be closed.

Questions included:

1. Is the use of open air windrows considered best practice? No - closed facilities are the most appropriate. The siting and design of facilities is paramount, and will be part of the tender criteria.

2. Will the tender evaluation consider future demand? Yes – plan is to project and strategically address future (20 years) environmental and product requirements.

The SITA site was raised as being of concern by residents.

3. What is the vision for Brooklyn? Future plans for the area need to include sustainability for the community - not adverse impacts for residents.

4. What about the impact of dust and litter ? This will be reduced with enclosed facilities. Sealing of areas around new facilities to reduce dust will be part of the tender evaluation.

Finally, a member of the community made the comment that the Brooklyn area was not the most appropriate location for processing of green waste.

Rob Millard offered to return to BCRG to discuss progress of the strategic directions for Melbourne's green waste.

Action 4.7: Invite Metro Waste Management Group to provide an update of progress at the November BCRG meeting

Item 4 Progress of priority actions:

Please read the following in conjunction with the Rolling Actions List.

1.2 EIPs; ID willing/unwilling industries (EPA)

Most industries have responded to the request for Environment Improvement Plans, and their responses are being collated. Client Relationship Managers have been meeting with industry, and are reporting significant goodwill regarding action.

2.1 Working with non-compliant industries (EPA/Brimbank)

Brimbank Enforcement Officers are patrolling with EPA, and Brimbank is receiving advice re odour reports regularly. Further options for collaboration are being discussed with EPA.

Matt Vincent requested that **industry advises EPA of problems that cause odours (e.g. plant breakdowns)**. This information will help EPA to respond to the public.

More detailed information regarding Action 2.1 (e.g. details of follow-up action) was requested.

Action 4.8: Invite invitations to the 3 Mayors for all future meetings. (The group recognised that it will not always be possible for all to attend.)

2.4 Brimbank Industrial Land Use Strategy update (Brimbank)

The first draft of the strategy is nearly complete.

Action 2.4: Michelle Wyatt (Project Officer) to be invited to the next BCRG meeting.

3.10 Dust options paper (EPA)

To be discussed in detail at the next meeting

4.6 Mayors/MPs/EPA meeting

Cr Michael Clarke reported on the two meetings that have been held to date:

- The frustration felt by EPA, MP's Mayors very obvious
- EPA expect that industry want to comply with their obligations – will be working closer with them to ensure that this is the case
- Using good performers as exemplars. (Australian Tallow's proposed works to reduce odour was mentioned.)
- Industry must work in context of 21st century standards, and must comply with their licences. If they don't, EPA will respond. "If you can't comply, move."
- EPA wants more community engagement, and for the community to take greater role
- Enforceable Undertaking – a commitment by a company that a problem will be resolved. If the commitment is not fulfilled, a full enforcement response by the EPA is ensured. The framework is currently being finalised.
- Quarterly meeting of Mayors, MPs, EPA from now on

Tony Kairouz, Brooklyn Meat Processors, responded that he agreed that most industries want to comply, and to co-exist sustainably with surrounding residents.

There was some discussion about the use of fines by the community. This is distributed via a series of grants that are administered by the EPA, and approved by the Magistrate. (Note the report for action item 1.17 on the Rolling Action List)

Geoff Mitchelmore asked "What has happened since our meeting in May?"

- EPA has funded broadband reversing beepers to reduce noise emanating from Victorian Container Management activities.
- Swift has been fined (for breach by Tasman prior to Swift's purchase of the site). Swift is now investing in rectification.
- Targeted EPA patrols at peak problem times, unannounced.
- Enforceable Undertakings framework nearing completion.

Geoff thanked Cr Clarke for this response, and added that the community needs feedback of progress more regularly.

Cath Williams commented that the prior month had been particularly bad for odour in the area.

Item 5 Update and progressive outcomes on EPA odour monitoring program

Chris Bydder, EPA scientist gave a presentation on the EPA monitoring program (see attached presentation).

Chris informed the meeting that the human nose is still the most sensitive receptor of odour, far more so than the most sophisticated of equipment available. Data from the presentation was compiled by officers with 'calibrated noses', patrolling along defined routes, approximately twice every six days. This is sufficient to provide the statistically valid data presented. The pie chart provides an outline of data collected over

the last 12 months. Odour sources nominated are not absolute, but give a good indication of the most likely causes. When there is a combination of smells, the source can be difficult to detect.

Chris noted that odour is generally less over December/January, as there is greater dispersion in warmer air, combined with the fact that many industries shut down operations for part of this period. Strong odours are generally carried in the air over greater distances in the cooler winter months.

In response to comments, Chris also stated that odour monitoring is done in parallel with enforcement patrols. The monitors don't judge whether the odour is 'offensive' and do not trace an odour back to its source.

Noel Ryan (Huntsman Chemicals) stated that EPA needs to communicate observations at the time, to give industries the opportunity to rectify any issues. (EPA agreed).

Noel also commented on the value of Huntsman's Community Liaison Committee, which includes regular reporting of incidents by Huntsman to the community, as well as feedback on follow-up actions.

At this point a number of participants left the meeting, given that the advertised finishing time of 6:30pm was approaching. Item 6 was held over until the next meeting due to lack of time.

Item 8 Building knowledge and capacity: Odour Legislation and Enforcement

Kerry Murphy, Manager EPA's Community and Stakeholder Engagement Unit gave a presentation on legislation relating to odour (see attached presentation and previously circulated information handout).

Kerry opened her presentation by acknowledging that the community has been dealing without facts and information which would have helped their understanding of the complexity of issues faced in the Brooklyn area. In future months she and others within EPA will be working to fill the void of information across a range of matters, beginning with odour and related legislation at this meeting.

In particular, Kerry discussed the 'Reports by Residents' and 'Enforcement and Prosecution' slides in the attached presentation.

Kerry invited questions from the group, advising that where necessary she will seek the advice of legislation (or other) experts to provide accurate responses.

1. James Fraser commented on mixed messages relating to whether 3 officers can initiate prosecution without involving the community. Kevin Hiser (EPA) responded that, while officers identify the relative strength of an odour, residents need to confirm the odour and state its 'offensiveness' through an affidavit.
Bruce Light read out an excerpt from the EPA website. Kevin commented that the wording was incorrect or at least ambiguous, and needs to be modified.
2. What has EPA done to simplify the process to prosecution? It was suggested that a session on writing affidavits might be worthwhile, potentially run by local government.
3. Can there be a legal presentation on the practical application of legislation? (inc role of case history, opportunities for a better system of achieving compliance).
4. Why are non-compliant industries not being prosecuted? Matt Vincent responded that, while the delays experienced are not acceptable, the EPA is working to resolve the issue of non-compliance in the area. Enforcement is part of the solution (as indicated earlier in the meeting.)

It was suggested that many of the above questions also apply to dust.

The meeting was formally closed, and other questions (for later response) were invited. Those received are:

5. Who is responsible for issuing fines to the operators of these facilities?
6. What kind of evidence is required to prosecute?
7. What is wrong with the affidavit evidence currently provided?
8. Can the EPA take enforcement action by itself? If so, why hasn't it done so?
9. Who determines when an odour is offensive?

There is contradictory information in this area. For example, in relation to the Ararat Gasworks, the website states:

In the field, EPA assesses offensive odour by nose and looks at what a "fair and reasonable person" would consider as offensive. Officers are trained to assess offensive odour by firstly establishing where the complainant can smell the odour and trace it back to a source.

The page goes on to provide a brief explanation of factors relevant to assessing odour. It is clear that EPA were apparently prepared to assess the offensiveness of odours in another case. The relevant address is http://www.epa.vic.gov.au/land/spi_networks/default.asp

10. What is being done in the short-term of reduce odours in the Brooklyn area?

After the meeting an additional comment was received: "The EPA thinks that we complain at every opportunity, but this is not so. Residents are suffering burnout. We only complain when an odour is unbearable, to the point of making us physically ill."

Action 5.5: EPA to ensure that its website accurately and clearly describes the role of the community in making complaints leading to prosecutions.

Action 5.6: EPA to ensure that all questions above relating to odour legislation are answered.

Meeting closed at 7:05pm

Notes taken and written by Jennifer Lilburn