

Environment Protection Authority



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News and updates

Rendering company ordered to pay \$200000

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A Brooklyn meat rendering company that caused a 'rotting carcass' smell to impact on nearby residents to the point where they were too embarrassed to invite visitors over has been convicted on all charges and ordered to pay \$200,000 to Hobsons Bay City Council to fund a community environmental project.

Australian Tallow Producers Pty Ltd (ATP) was convicted in the Melbourne Magistrates' Court yesterday following an EPA investigation that led to the company being charged with three counts of air pollution offences.

The company was found to be in contravention of the *Environment Protection Act* 1970 after it polluted the atmosphere by allowing odours offensive to humans on three separate occasions in June 2011 and September 2011.

The court heard ATP operates a rendering facility and manufactures tallow from mixed abattoir material on Geelong Road, Brooklyn. On 22 June 2011, EPA received 13 complaints from nearby residents complaining about offensive odours coming from the site.

Complainants described the odour as a "smell like sewerage, like rotting carcass...", a "very, very strong putrid dead animal smell..." which made one complainant say they felt like throwing up.

The odour also impacted on another resident who said they "had to lock all the doors and windows and could not have any fresh air in the house". The next day, on 23 June 2011 and later on 21 September 2011, EPA received similar complaints.

The reports were backed up by an EPA officer who visited the area on 22 June 2011 and reported a strong offensive odour comprising of a mixture of 'manure, blood, bone and tallow' coming from ATP's premises.

Subsequent visits by EPA officers on 23 June 2011 and 21 September 2011 also confirmed this, with one officer reporting they "felt close to vomiting".

ATP was convicted on all charges and ordered to pay Hobsons Bay City Council \$200,000 to carry out a project for the restoration or enhancement of the environment in a public place. ATP was also ordered to pay most of

the reasonable costs of the EPA in prosecuting the matter.

In sentencing, Magistrate Livingston took into account the company's very serious offending and the terrible effect it had on the impacted community's lifestyle and their ability to enjoy their homes.

She said while the sentencing was about punishment, ordering the company to pay \$200,000 for an environmental project was also about giving the community a gift.

The money will be put towards the Brooklyn Reserve Master Plan, which will enable council to deliver to the Brooklyn community improvements to the local environment by providing significant upgrades to the local reserve area.

The upgrade includes the design and construction of a destination play space and recreation zone, purchasing of play equipment and park furniture, civil and demolition works and the planting of 40 trees.

EPA Chief Executive Officer, Nial Finegan said the outcome served as a strong reminder to businesses that they must comply with their environmental obligations or be held to account.

"EPA called on 11 witnesses, two expert witnesses and nine environment protection officers to give sworn evidence during court proceedings against ATP," he said.

"The outcome is a win for the Brooklyn community that has put up with localised pollution issues for too long."

"No community should have to live with an odour so horrid that they can't even have guests over, constantly feel nauseous and are forced to close their windows."

"In addition to EPA's investigation and today's subsequent finding, since 2011 EPA has also issued ATP with four pollution abatement notices looking at their environment controls and requiring they fix issues to reduce odour impacts. They were also fined by EPA officers more than \$7000 over an odour incident in 2013."

"EPA will continue to hold operators to account if they breach their environmental obligations."

"We thank the local community for their perseverance and support in helping to achieve this outcome."

"The court's judgement vindicates the community, upholds the law and reflects that EPA will persist with these matters until the very end."