



GOVERNMENT OF
WESTERN AUSTRALIA

Section 65
Environmental Protection Act 1986.

ENVIRONMENTAL PROTECTION NOTICE

Reference No: 202401

PERSON TO WHOM THIS NOTICE IS GIVEN:

WA Composts Pty Ltd (ACN 078 383 856)
In its capacity as occupier of the **Premises**
Level 9, 1 William Street
PERTH WA 6000

PREMISES TO WHICH THIS NOTICE RELATES (the Premises):

The **Premises** the subject of this Environmental Protection Notice (**Notice**) is situated on part of Lot 89 on Plan 741 as shown on Certificate of Title Volume 1112 Folio 243, also identified as 230 Gull Road, Nambeelup, within the boundary identified in Appendix 2 of this Notice.

Reasons for which this notice is issued:

This Environmental Protection Notice (the Notice) is given to WA Composts Pty Ltd (C-Wise, as identified in Appendix 2) under section 65 of the *Environmental Protection Act 1986* (EP Act) because I suspect on reasonable grounds that there is likely to be an emission from the Premises that is likely to cause pollution. The nature of the suspected pollution being the emission of odour into the environment at levels likely to result in the alteration of the environment to its detriment or degradation, or the detriment of an environmental value.

In February 2024 the Department of Water and Environmental Regulation (Department) received more than 750 complaints from the public regarding odour impacting amenity in the Nambeelup area. The Department carried out odour surveys in response to community complaints identifying the activities carried out at 230 Gull Road, Nambeelup, to be a contributing source of odour identified in the community. Subsequent Departmental visits to the Premises undertaken identified odour emission sources, predominately liquid waste storage and treatment ponds on the premises, to be contributing to odours impacts outside the boundary of the Premises.

I am satisfied that because WA Composts Pty Ltd is the occupier of the Premises from which odour emissions have emanated; that you are the appropriate persons(s) to whom to give this Notice.

REQUIREMENTS OF THIS NOTICE:

1. Within 2 days of the date this Notice is given, the persons to which this Notice is given must investigate the Dissolved Oxygen content at representative points across the surface layer of ponds 21, 22, 31 and 32 as shown on the map in Appendix 2 to determine whether there is an aerobic layer across the whole surface of each pond.
 - 1.1. All measurements of Dissolved Oxygen must be undertaken by equipment calibrated in accordance with manufacturers specifications.
 - 1.2. Calibration records must be maintained by the person to which this Notice is given and be available on the Premises.
2. If the investigation required by Requirement 1 identifies any pond with a surface layer or part of a pond surface layer with a Dissolved Oxygen level below 0.2 parts per million (ppm), the person to which this Notice is given must take action to ensure there is an aerobic layer with a Dissolved Oxygen level of greater than 0.2ppm across the whole surface of every pond within 7 days of the date this Notice is given.
3. The person to whom the Notice is given must provide a report to the Chief Executive Officer of the Department (CEO) within 10 days of the date the Notice is given. The report must include:
 - 3.1. The results of the investigation required by Requirement 1;
 - 3.2. A map showing the location of all monitoring points used to undertake the assessment in Requirement 1;
 - 3.3. Details of the measurement method adopted to assess Dissolved Oxygen to meet the requirements of Requirement 1 and 2; and
 - 3.4. Details of any action taken on each pond to achieve an aerobic layer with a Dissolved Oxygen content greater than 0.2ppm across the whole surface of every pond to meet the requirements of Requirement 2; and
 - 3.5. Testing results that validate that an aerobic layer with a Dissolved Oxygen content of greater than 0.2ppm has been achieved across the whole surface of all ponds.
4. The person to whom this Notice is given must ensure that once an aerobic layer has been achieved across the whole surface of ponds 21, 22, 31 and 32 in accordance with Requirement 2, an aerobic layer with a Dissolved Oxygen content of greater than 0.2ppm is maintained across the surface of every pond on an on-going basis.
5. To ensure the on-going maintenance of a Dissolved Oxygen content above 0.2ppm in accordance with Requirement 4, the persons to which this Notice is given must measure the Dissolved Oxygen content at representative points across the surface layer of ponds 21, 22, 31 and 32 on a daily basis.
 - 5.1. All measurements of Dissolved Oxygen must be undertaken by equipment calibrated in accordance with manufacturers specifications.
 - 5.2. Calibration records must be maintained by the person to which this Notice is given on the premises.

- 5.3. All results must be maintained by the person to which this Notice is given, be available on the premises and provided to the CEO weekly.

Waste investigations

6. Within 5 days of the date this Notice is given, the persons to which this Notice is given must engage a *suitably qualified and experienced wastewater consultant* who specialises in the management of wastewaters ('wastewater consultant').
 - 6.1. Details of the wastewater consultant are to be provided to the CEO within 12 hours of engaging the consultant; and
 - 6.2. If the CEO provides notification that the selected consultant does not hold suitable qualifications or experience, the persons to whom this Notice is given must engage another consultant in accordance with Requirement 6
7. Within 14 days of the date this Notice is given, the wastewater consultant is to undertake an investigation into the performance and functions of the liquid waste storage and treatment ponds on the Premises and provide a report to the CEO, that identifies and provides details of factors that are likely to be contributing to the emission of odour from the ponds. The investigation must consider:
 - 7.1. the current composition and quantity of waste being received/entering each pond including the increase in acceptance of controlled waste K100 – Animal effluent and residue at the Premises since October 2023.
 - 7.2. The composition and quantity of liquid wastes received and discharged to locations other than directly to wastewater ponds.
8. Within 40 days of the date this Notice is given the wastewater consultant is to undertake an investigation of the liquid waste storage and treatment ponds. The investigation must:
 - 8.1. Include collection of samples from all liquid waste storage and treatment ponds in accordance with AS 5667.1 and AS 5667.10 for National Association of Testing Authorities (NATA) Accredited analysis of the samples at a *NATA Accredited laboratory*. Samples must be collected twice weekly for a period of three weeks, with a gap of a minimum of 3 days between samples and analysed for the following:
 - 8.1.1. Oxygen Reduction Potential
 - 8.1.2. Dissolved Oxygen
 - 8.1.3. pH
 - 8.1.4. Temperature
 - 8.1.5. Biochemical Oxygen Demand
 - 8.2. Examine and identify the operational status of each pond including if the pond is anaerobic, facultative or aerobic.
 - 8.3. Examine the effectiveness of the ponds and operational procedures employed on the Premises in managing the current volumes of all liquid waste streams, including the increased intake of controlled waste category K100 - Animal effluent and residues which has occurred since October 2023, to prevent odour emissions that may impact persons outside the Premises.

- 8.4. Identify any improvements that are required to the ponds and any operational procedures employed on the Premises, to ensure all incoming waste streams are managed in a manner to prevent the emission of odours that may impact persons outside the Premises.
9. Within 47 days of the date this Notice is given, the persons to which this Notice is given must provide the *CEO* a report prepared by the wastewater consultant to address all investigations required by Requirement 8 and the following additional information:
 - 9.1. All sample collection logs and laboratory analysis reports; and
 - 9.2. Works needed to implement any improvements identified by Requirement 8.4 and indicative timeframes to undertake such works.

Odour investigations

10. Within 7 days of the date this Notice is given, the persons to whom this Notice is given must engage a *suitably qualified and experienced odour consultant* (odour consultant).
 - 10.1. Details of the odour consultant are to be provided to the CEO within 12 hours of engaging such consultant; and
 - 10.2. If the CEO provides notification that the selected consultant does not hold suitable qualifications or experience the persons to whom this Notice is given must engage another consultant in accordance with Requirement 10.
11. Within 21 days of the date this Notice is given, the odour consultant is to undertake an investigation of operations taking place at the Premises consisting of an odour analysis in accordance with Section 8 of the Department's [Guideline on Odour Emissions](#) dated June 2019.
 - 11.1. The odour analysis must consider all waste types received at the premises including the increased intake of controlled waste category K100 - Animal effluent and residues since October 2023 which may have affected the operation of the ponds and odour emissions from the Premises.
12. Within 28 days of the date this Notice is given, the persons to whom this Notice is given must provide a report to the *CEO* prepared by the odour consultant detailing:
 - 12.1. The investigations and findings required by Requirement 11;
 - 12.2. Any improvements that can be made to operations on the Premises to reduce odour emissions that may impact persons outside the Premises; and
 - 12.3. Indicative timeframes for the implementation of such improvements.
13. Subject to section 65(4) of the Act, the CEO may vary the requirements of this Notice, including the specified requirements and timeframes where they consider sufficient justification has been provided, and it can be demonstrated that such

variation will not result in an unacceptable risk to human health, the environment or any environmental value.

Ruth Dowd
Executive Director, Compliance and Enforcement
Department of Water and Environmental Regulation

*for the Chief Executive Officer
under Delegation No. 143 dated 7 June 2019*

22 February 2024

IMPORTANT INFORMATION:

A PERSON WHO IS BOUND BY THIS ENVIRONMENTAL PROTECTION NOTICE AND WHO DOES NOT COMPLY WITH THIS NOTICE COMMITS AN OFFENCE UNDER THE *ENVIRONMENTAL PROTECTION ACT 1986*.

Under section 103 of the *Environmental Protection Act 1986*:

- a person who is aggrieved by a requirement contained in this environmental protection notice may within 21 days of being given this notice lodge with the Minister for Environment an appeal in writing setting out the grounds of that appeal; and
- any other person who disagrees with a requirement contained in this environmental protection notice may within 21 days of the making of that requirement lodge with the Minister for Environment an appeal in writing setting out the grounds of that appeal.

PENDING THE DETERMINATION OF AN APPEAL REFERRED TO ABOVE, THE RELEVANT REQUIREMENTS CONTAINED IN THIS ENVIRONMENTAL PROTECTION NOTICE CONTINUE TO HAVE EFFECT.

Note that under section 118A of the *Environmental Protection Act 1986* that each person who is a director or who is concerned in the management of the body corporate may be taken to have also committed the same offence.

APPENDIX 1: DEFINITIONS

In this Notice, unless the contrary intention appears –

‘*Act*’ means the *Environmental Protection Act 1986* (WA);

‘*CEO*’ means Chief Executive Officer, Department of Water and Environmental Regulation or her delegate;

‘*CEO*’ for the purposes of correspondence means;

Chief Executive Officer
Department of Water and Environmental Regulation
Locked Bag 10
JOONDALUP DC WA 6919
Telephone: (08) 6364 7000
Fax: (08) 6364 7001
Email: compliance@dwer.wa.gov.au

‘*NATA Accredited laboratory*’ means a laboratory holding current accreditation by the National Association of Testing Authorities for the parameters being analysed.

‘*ppm*’ means parts per million

Suitably qualified and experienced wastewater consultant means a person who:

1. holds a Bachelor of Civil Engineering, or a Bachelor of Environmental Engineering, or a Bachelor of Chemical Engineering, or a Bachelor of Chemistry; and
2. has a minimum of 5 years of experience working in the field of liquid waste and/or wastewater treatment and engineering, including in relation to physical, chemical, and biological treatment processes; and
3. has a sound understanding of relevant Western Australian guidelines and legislation for liquid waste and/or wastewater treatment and management

‘*Suitably qualified and experienced odour consultant*’ means a person who;

1. resides in Australia; and
2. a person, or persons, who has qualifications and minimum five years’ experience in Odour monitoring, Odour management, risk assessment and odour treatment.

APPENDIX 2: Map of the premises

