



Section 65
Environmental Protection Act 1986.

ENVIRONMENTAL PROTECTION NOTICE

Reference No: 202405

PERSON TO WHOM THIS NOTICE IS GIVEN:

Mindarie Regional Council (ABN 17 015 003 687)
1700 Marmion Avenue
TAMALA PARK WA 6030
In its capacity as occupier of the **Premises**

PREMISES TO WHICH THIS NOTICE RELATES (the Premises):

The **Premises**, the subject of this Environmental Protection Notice (**Notice**) is situated on 1700 Marmion Avenue TAMALA PARK WA 6030, being part of Lot 9043 on Plan 424903 as depicted in Appendix 2 of this Notice.

Reasons for which this notice is issued:

This Environmental Protection Notice (the Notice) is given to the **Occupier**, being Mindarie Regional Council, under section 65 of the *Environmental Protection Act 1986* (EP Act), because I have reasonable grounds to suspect there is, or is likely to be an emission or emissions from the Premises and that the emissions have caused or are likely to cause pollution.

The nature of the suspected pollution is:

1. The emission of odour from the premises into the environment. I have reason to believe that the pollution that is or is likely to be caused is the direct or indirect alteration of the environment to the detriment of an environmental value. The relevant environmental value is the beneficial use of the portion of the environment (air quality) that is conducive to public amenity, public health and aesthetic enjoyment of the environment surrounding residential premises.

The Department of Water and Environmental Regulation (the **Department**) has identified that landfill leachate stored in ponds at the Premises, leachate seepage from the face of landfill cells and landfill gas generated at the Premises are the likely key sources of odour emissions to the environment.

2. The emission of leachate from the premises into the environment. I have reason to believe that the pollution that is or is likely to be caused is the direct or indirect

alteration of the environment to the detriment of an environmental value. The environmental value is the beneficial use of the portion of the environment (groundwater) for potable and non-potable uses.

The Department has been advised by Mindarie Regional Council that leachate levels within the landfill are significantly elevated. This is likely to be increasing the seepage of leachate emission through the landfill liner and impacting groundwater quality.

Therefore, this Notice has been given to require the occupier to take measures to prevent, control and abate the pollution; and to investigate the extent and nature of the environmental harm and its consequences; and to report to the Department on actions taken to comply with the requirements.

I am satisfied that because Mindarie Regional Council is the Occupier of the Premises from which odour emissions have occurred to the environment that you are the appropriate **Person(s)** to give this Notice.

REQUIREMENTS OF THIS NOTICE:

Odour emission requirements

1. The **Person** to whom this Notice is given must, within 28 days of this Notice being given, provide to the CEO for approval, a plan to manage leachate volumes on the Premises. The plan must identify:
 - a) The volume of leachate currently held at the premises and the methodologies used to arrive at the volume.
 - b) The chemical characteristics of the leachate.
 - c) A detailed methodology including times, dates and meteorological conditions under which any process involving leachate may be undertaken.
 - d) The measures that will be taken to ensure that implementation of the plan does not cause odour emissions outside the premise boundary.
 - e) Details of the monitoring that will be undertaken to assess the effectiveness of controls in preventing odour emissions outside the premises boundary.
 - f) Records relating to the monitoring must be provided to the CEO every 14 days post implementation of the approved plan.
2. The **Person** to whom this Notice is given must within 7 days of this Notice being given, provide and thereafter maintain additional cover on any areas of the landfill where leachate seepage is visible, to minimise odour emissions from areas where leachate seepage has occurred.
3. The **Person** to whom this Notice is given must within 30 days of this Notice being given:
 - a) Inspect the integrity of any areas of the landfill with final capping for visible defects such as cracks which may allow for uncontrolled emissions landfill gas.

- b) Identify remedial action which can be taken to mitigate uncontrolled emissions of landfill gas resulting from any defects.
 - c) Provide a report for the CEO's approval on the findings of the inspections, details of any remedial measures recommended and a timescale for the implementation of any recommendations.
 - d) Implemented the recommendations once they are approved by the CEO.
4. The **Person** to whom this Notice is given must, within 21 days of this Notice being given, provide to the **CEO** a review of the landfill gas (LFG) collection and management system, in the form of a report, to ensure it is appropriately optimised and working effectively to maximise gas collection. The report must contain:
- a) A map identifying the operational and non-operational wells.
 - b) Details on the physical condition of each element of the collection and management system including collections wells, condensate traps, gas flare and gas engines.
 - c) A maintenance schedule outlining any maintenance required for any element of the landfill gas collection and management system to ensure the on-going effectiveness of the system.
5. The **Person** to whom this Notice is given must, within 60 days of this Notice being given, submit a report to the CEO that contains a review of the existing landfill gas collection and management system to assess whether it is sufficient to control emissions of landfill gas to prevent them causing odour impacts on receptors outside of the Premises. The review must:
- a. Be undertaken by a **suitably qualified landfill gas consultant**;
 - b. Detail the operational landfill gas infrastructure in each landfill stage;
 - c. Identify the current landfill gas volumes being generated from each stage of the landfill, the collection and management capacity of the current system of each landfill stage and the estimated future gas generating potential of each landfill stage.
 - d. Provide information to support the identification and estimation of landfill gas volumes required in c);
 - e. Identify any necessary improvements including landfill gas collection and management infrastructure to prevent odour impacts outside the Premises as a result of landfill gas emissions with a timescale for completion of the recommended improvements.
6. The **Person** to whom this Notice is given must implement the recommended improvements identified under requirement 5e) in accordance with a direction to do so by the **CEO**.
7. The **Person** to whom this Notice is given must install a pilot scale leachate treatment unit (leachate treatment unit) by the end of February 2025 and trial its effectiveness at treating leachate generated on the site for disposal to sewer, for a period of up to 12 weeks as detailed in the Critical Infrastructure Plan entitled, "Critical Infrastructure Plan CIP, Mindarie Regional Council" (Mindarie Regional Council, May 2024). At least 14 days prior to installation of the leachate treatment unit, the following information must be submitted to the CEO:
- a. The detailed specification of the leachate treatment unit;

- b. The proposed location of the leachate treatment unit;
 - c. Details of how odour emissions from the construction and operation of the leachate treatment will be mitigated during the trial;
 - d. Criteria by which the effectiveness of the trial will be measured.
8. The **Person** to whom this Notice is given must, within 28 days of the completion of the trial in requirement 7, submit to the CEO a report that documents and provides evidence of the effectiveness of the trial against the trial criteria.
9. The **Person** to whom this Notice is given must, if directed to do so by the **CEO** to further mitigate the impact of odour emissions from the Premises on the local community and only if the CEO has afforded Mindarie Regional Council an opportunity in writing of not less than 7 days to show cause why a direction should not be made, take further action to manage odour emissions on the site in accordance with the CEO's direction.

Groundwater emission requirements

10. The **Person** to whom this Notice is given must, within 60 days of this Notice being given, provide a groundwater risk assessment that assesses the risk to groundwater from elevated leachate heads within the site. The groundwater risk assessment must:
 - a. Be undertaken by a **contaminated sites auditor**;
 - b. Include an update to the Mandatory Auditors Report (MAR) that includes specific discussion around the risk to groundwater from elevated leachate head, including a review of the historic MAR data, with a specific focus on potential trends in leachate head and plume characteristics.
 - c. Assess the likely risks to groundwater quality from any increased risk of seepage through the landfill liner.
 - d. Include recommended actions to mitigate any assessed increased risk to groundwater and a proposed timeline for implementing the recommendations.

Other Requirements

11. 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 Assurance
Department of Water and Environmental Regulation

For the Chief Executive Officer under Delegation No. 162

28 November 2024

IMPORTANT INFORMATION:

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.

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* 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 their 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

‘*Contaminated sites auditor*’ means a contaminated land consultant accredited by the Department of Water and Environmental Regulation under the *Contaminated Sites Act 2003*.

‘*Days*’ include Monday to Friday, but exclude public holidays and weekends.

‘*Department*’ means the Department of Water and Environmental Regulation

‘*Occupier*’ for the purposes of this Notice means: Mindarie Regional Council

‘*Person*’ for the purpose of this Notice means:

Mindarie Regional Council (ABN 17 015 003 687)
1700 Marmion Avenue
CLARKSON WA 6030

‘*Suitably qualified landfill gas consultant*’ means a person who:

1. holds a Bachelor of Science or Bachelor of Engineering; and
2. has a minimum of 5 years of experience working in the field of landfill design and landfill gas management.

Appendix 2 - Premises Map



LEGEND

Local Government Authorities	Road Centrelines	N
Cadastral	HW	TR
Hydrography, linear (hierarchy)	LHO	Perth Metropolitan Area Central 15cm Orthomosaic - Landgate 2014
	LRS	
	MR (cont)	

Scale 1:17007
(Approximate when reproduced at A4)

Geocentric Datum Australia 1994

Note: the data in this map have not been projected. This may result in geometric distortion or measurement inaccuracies.

Prepared by:
Prepared for:
Date: 30/11/2015 12:51:59 PM

Information derived from this map should be confirmed with the data custodian acknowledged by the agency acronym in the legend.

Government of Western Australia
Department of Environment Regulation
WA Crown Copyright 2002

* Project Data. This data has not been quality assured. Please contact map author for details.