



Environmental Protection Act 1986

Section 65

ENVIRONMENTAL PROTECTION NOTICE

Reference No: CEO182/18

PERSON TO WHOM THIS NOTICE IS ISSUED:

Fremantle Plumbing Service Pty Ltd, ACN 008 737 068
Gungor and Partners Pty Ltd
Suite 1, 219 Canning Highway
SOUTH PERTH WA 6151

AND

Mervyn Leslie Roberts
In his capacity as part owner of Lot 138 on Plan 6759
39 Doney Street,
ALFRED COVE WA 6154

PREMISES TO WHICH THIS NOTICE RELATES (the Premises)

107 Garling Street, O'Connor, Western Australia 6163

described as:

Lot 138 on Deposited Plan 6759, as shown on Certificates of Title Volume 1488, Folio 169 and Volume 1276, Folio 970

REASONS FOR WHICH THIS NOTICE IS ISSUED

This Notice is served because I reasonably suspect that there are emissions of odours from the Premises (Licenced Premises - L8730/2013/1), and the emissions have caused pollution, being a direct alteration of the environment to its detriment.

- Between 31 October 2017 and 22 January 2018, the Department of Water and Environmental Regulation (DWER) received over 100 complaints of odour impacting the amenity of members of the community neighbouring the premises.
- DWER officers conducted field odour surveys and assessments in the areas of reported odours at the time of receiving the complaints. DWER officers determined that the odour was emanating from the Premises by confirming if odours were present or not upwind and downwind of the premises. Officers then identified the source of odours when attending the premises.
- There were no other sources of similar odours detected from any other site in the area.
- DWER officers inspected the premises and identified the same kind of odour emissions were coming from:
 - (a) waste hydrocarbon and degreaser sludge located in a receival pit, also known as the mixing pit and/or the leach pit;

- (b) venting of gases from waste storage/processing tanks;
 - (c) non-enclosed waste treatment processes; and
 - (d) unauthorised waste water treatment equipment being operated.
- The odour emissions are having a direct detrimental impact on the neighbouring community causing loss of amenity.
 - The odour emissions have caused pollution.

I am satisfied that because:

- **Fremantle Plumbing Service Pty Ltd** is the Licensee and occupier from which the emission emanated; and
- **Fremantle Plumbing Service Pty Ltd** and **Mervyn Leslie Roberts** are owners of the Premises from which the emission emanated;

that you are the persons who caused the emission and you are the appropriate persons to whom to give this Notice.

REQUIREMENTS OF THIS NOTICE

Immediate Requirements

1. On the date this Notice is served, cease the operation of waste treatment equipment and processes not authorised under Licence L8730/2013/1.
2. On the date this Notice is served, cease use of the receival pit, also known as the mixing pit and/or the leach pit, and within two days of the date of this notice, completely empty the receival pit and remove such waste to an appropriately authorised disposal site.
3. Within five days of the date of this notice, clean all residues from the receival pit.
4. Once the receival pit has been cleaned, the receival pit is only to receive, handle, treat and store surfactants & detergents and drilling mud (other than drilling mud contaminated with hydrocarbons).
5. Within one week of the date of this Notice prevent the emission of unreasonable odours from the Premises by ensuring that the receival, storage and processing of all wastes, except surfactants & detergents and drilling mud, are undertaken in tank(s), vessel(s) or fully enclosed buildings so as to capture, control and/or abate odorous emissions from tank(s), processing equipment and/or buildings.

Preparation and Implementation of a Plan to Prevent or Abate the Emission

6. Within 14 days from the day after the receipt of this notice the Owner must engage and retain an Environmental Consultant to prepare a Remediation Plan, for the prevention, control or abatement of the odour emissions caused or likely to be caused by the operation of the licenced premises.

7. The Remediation Plan must state the methodology to be used to prevent, control or abate the odour emissions.
8. The Remediation Plan must:
 - 8.1. identify each area or point where emissions have occurred;
 - 8.2. analyse the risk of pollution and/or environmental harm from the emissions;
 - 8.3. state the methodology to be used to prevent, control or abate the emissions at each specified area or point and the justification for this methodology
9. The Remediation Plan must be submitted to the Department of Water and Environmental Regulation (DWER) within 30 days from the day after engaging the Environmental Consultant identified in paragraph 6 of this Notice.
 - 9.1. If DWER considers the Remediation Plan submitted under paragraph 9 to be appropriate for the purpose of this Notice, DWER will approve the Remediation Plan and notify the Owner of its decision.
 - 9.2. If DWER considers the Remediation Plan to be inappropriate for the purpose of this Notice, the Department may provide the Owner with direction for improvement.
 - 9.3. It is subject to a direction for improvement that the Owner must, within 21 days from the day after the receipt of the direction provided in paragraph 9.2, ensure that the Remediation Plan is amended and resubmitted to the Department in accordance with those directions for approval under paragraph 9.1.

Implementation of Approved Remediation Plan

10. Remediation of the Premises, in accordance with the approved Remediation Plan identified in Paragraph 9.1, must be completed, subject to the requirements of section 53 of the Act, within 60 days from the day after the date the Owner is notified the Remediation Plan has been approved, or 60 days from the date of any relevant Works Approval or Licence amendment is granted.

Reporting

11. Within 14 days from the day after the completion of the remediation identified in paragraph 10, the Owner must provide a written report to the CEO on the remediation of the Premises for the CEO's approval. This report must include as a minimum:
 - 11.1. How the Approved Remediation Plan was implemented;
 - 11.2. Current details of all receipt, storage, treatment processes and equipment.
 - 11.3. Any alterations to the approved Remediation Plan and the reasoning for the alteration.

- 11.4 Copies of all receipts, invoices, orders or any other documentation relating to the removal of waste from the premises as described under paragraphs 2 and 3 must be attached to the Report.
 - 11.5 Results from all sampling undertaken in implementation of the Approved Remediation Plan must be attached to the Report.
12. If the CEO considers the remediation of the Premises to be sufficient for the purposes of this Notice, the CEO will approve the remediation and notify the Owner of his decision.
13. If the CEO considers the Remediation to be unsatisfactory for the purpose of this Notice the CEO will provide the Owner with his reasons and may provide direction for improvement.

Community engagement

14. Within two weeks of this Notice being issued, notification of the requirements to be undertaken in compliance with this Notice must be provided to commercial land owners or occupiers and residential land owners or occupiers located within 800m of the Premises is to be provided in writing and deposited into mail boxes.
15. Within three weeks of this Notice being issued, the Owner must notify the CEO in writing of compliance with clause 14.
16. Within 14 days after the completion of the Remediation Plan the owner to provide notification to the commercial land owners or occupiers and residential land owners or occupiers of the completion of the plan.

General reporting requirements

17. If an emission of odour occurs as a result of an emergency or accident, or other than in accordance with this Notice, the Owner must give the CEO written notification about the incident within 1 day after the emission occurred.
18. The notification must detail:
- 18.1 The time and place where the emission occurred and where it was detected;
 - 18.2 The reason/s for the emission; and
 - 18.3 Actions taken to ensure that the odour emission does not continue to occur.



Mike Rowe

Chief Executive Officer
Department of Water and Environmental Regulation

**IMPORTANT
NOTES**

**A PERSON WHO IS BOUND BY THIS NOTICE AND WHO DOES
NOT COMPLY WITH THIS NOTICE COMMITS AN OFFENCE.**

A person who is aggrieved by a requirement contained in this 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.

Any other person who disagrees with a requirement contained in this 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 for that appeal.

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

Note that under section 118 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;

'CEO' for the purposes of correspondence means;

Chief Executive Officer
Department of Water and Environmental Regulation
Locked Bag 33
CLOISTERS SQUARE WA 6650
Telephone: (08) 6364 7000
Fax: (08) 6364 7001
Email: atrium.reception@dwer.wa.gov.au

'DWER' means Department of Water and Environmental Regulation;

'Occupier' means Fremantle Plumbing Service Pty Ltd, the holder of prescribed premises licence L8730/2013/1;

'Owner' means Fremantle Plumbing Service Pty Ltd and Mervyn Leslie ROBERTS;

'Premises' means Lot 138 on Deposited Plan 6759, as shown on Certificate of Titles Volume 1488, Folio 169 and Volume 1276, Folio 970

'Provide in writing' includes by email with an authorised signature.

APPENDIX 2

AERIAL IMAGERY DEPICTING RECIEVAL/MIXING PIT



Imagery care of Google Earth Dated 11/05/2017

