

21st October 2019

Dear Sir / Madam,

I write this submission to object to the current Works Approval before the EPA as submitted by the Latrobe City Council's (LCC) proposed request to receive more waste within the current footprint of the existing Hyland Highway Landfill.

From the initial application for a Landfill to be constructed at the Hyland Highway Site, the communities biggest concern has been odour, leachate spills, dust, noise and litter. The feedback to the community was that these would all be mitigated using Best Environment Management Practices and the conditions outlined in the EPA Licence for the site. We even had LCC offer to place an additional condition regarding the gradual harvesting of the Blue Gum Plantation buffer to the permit. (I know this condition is not tied directly to the responsibility of the EPA to enforce, but the LCC planning department).

In reviewing the EPA Licence 25565 you could be led to believe that conditions are in place to protect the community. But, as soon as community lodges a complaint for a breach of the Amenity Conditions, further sections of the Environment Protection Act 1970 are said to override what is written in the licence.

I refer to an extract taken from an email from [REDACTED] of which I was a CC: recipient.

As mentioned to another concerned community member (and possibly yourself, but I can't remember) is the complexity of where the odour is detected by community members. The EPA can only take action when an odour has been verified and sourced by one of its Environment Protection Officers with the expertise to assess odours, and the *Environment Protection Act 1970* and the *State Environment Protection Policy (Air Quality Management)*, only restricts emissions that are offensive to human beings and that are impacting on sensitive receptors including homes, schools, public spaces adjacent to a residential area and hospitals.

Further to this, the Landfill licence 25565 states:

A1 You must ensure that odours offensive to the senses of human beings are not discharged, emitted or released beyond the boundaries of the premise.

However, the *Environment Protection Act 1970* states:

s30(2A)(c) A licence holder is not liable to a penalty under this Act with respect to reprocessing, treatment, storage containment, disposal or handling of substances which are a danger or potential danger to the quality of the environment or any segment of the environment if the licence holder proves that the licence holder.....

Did not discharge or emit odours which are offensive to the sense of human beings in a residential area or in a public open space adjacent to a residential area.

Therefore, if the smell is detected on the highway, there has been no breach of the *Environment Protection Act 1970*. If, however, as you say below, that the odour is being detected in the Traralgon South Township at a residential property or in a public open space adjacent to a residential property, this may be something the EPA can investigate if reported.

Here, it is important to note two things that were discussed at the information session last week. Firstly, that odour is very subjective and EPA officers have their noses calibrated to understand how sensitive they are to odour and undertake training in how to assess odour reports and secondly, the EPA Traralgon office covers the Gippsland Region (the areas covered by the six municipalities). Each pollution report that is received by our call centre (either by phone or the website) goes through a rigorous triage process where risk and resources are taken into consideration. This along with other factors determines the urgency with which an EPA officer can and will respond to a pollution report.

The condition for LI_A1 does not refer to any further qualifiers for the breach of “You must ensure that odours offensive to the senses of human beings are not discharged, emitted or released beyond the boundaries of the premises”.

If the EPA can not clearly detail what the community will be protected from, then how does the EPA expect the community to decipher what its intent is when writing this clause into the licence.

Further to this, what the EPA and LCC neglect to acknowledge here is, that the road below the Motorcycle Track, and the odour seems to be at its worst. Is the main road between Traralgon South township and other townships north, Traralgon, Morwell, etc. Suffering the smell of offensive odour along this stretch is affecting our lives, to the point of changing our travel times where possible and as such, should not be ignored in the Works Approval review.

I mentioned BEMP and see that GHD refer to its use as well in their submission on behalf of LCC, but no where in the submission does it outline the use of real time data.

Any of the possible breaches have the potential to be recorded and displayed on the EPA or LCC websites for the community to access at a glance.

At the LCC Open House forum, I asked if any leachate spills had occurred, the original answer was no, but when pushed further they acknowledged there had been. When requesting the amount of the spill, level of the leachate pond just before the rainfall, the concentration of the leachate at the time, the best the LCC could do is say they would get back to me. This is not using BEMP, they should have been able to show all this information on a laptop and show the trend of each of these values before, during and after the occurrence, when asked at the forum.

The only value I have got back from LCC, was that 63mm of rain fell causing the spill from the small pond. It does also state that larger ponds are used in conjunction with a reverse osmosis processor and in doing so LCC is able to ensure that it can handle these intense periods of rainfall. LCC previously assured the community, and the EPA, that they were able to handle the leachate under the previous arrangement. The source of there rainfall figures is where the problem lies and once again the community were not listened too, when presenting local figures to them.

In reviewing the process for the Works Approval, it outlines that “when the EPA has received the comments on the application, it can determine the need to hold a public conference under section 20B of EP Act.” When the community’s biggest complaint that gets back to me is the offensive odour along the road at the Motorcycle Track and even within the town, I believe the EPA has an obligation to clearly address the rights of the community members.

The EPA could say that it has held a Public Information session, but when it is done over a period where not all the people can attend at the one time and listen to everybody’s concerns, it is a bit like divide and conquer.

I am certainly hopeful that some meaningful community consultation could occur, and would much prefer to look for solutions there, than at VCAT.

Regards,

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