

LEGISLATIVE COUNCIL
Question On Notice

Tuesday, 15 March 2016

3880. Hon Robin Chapple to the Minister for Mental Health representing the Minister for Environment

I refer to the Broome Turf Club and the use of waste oil on the track as reported on ABC Kimberley on 13 August 2015, and I ask:

- (a) how long has the Minister or the department been aware of waste oil being used on the Broome Turf Club track;
- (b) how long has the practice been taking place;
- (c) where does the waste oil come from;
- (d) has the waste oil been scientifically tested;
- (e) if no to (d), why not;
- (f) what are the components/elements of the waste oil used;
- (g) does the supplier of the waste oil have a licence that allows the disposal of waste oil on a race track;
- (h) if yes to (g), will the Minister table the licence;
- (i) did the Broome Turf Club have permission or a licence to spread waste oil on the race track;
- (j) if no to (i), why not;
- (k) if the Broome Turf Club has permission, will the Minister table the licence or conditions;
- (l) if no to (k), why not;
- (m) is the Minister aware of the sensitive surrounding environmental features such as the aquifer and ocean;
- (n) has the Department of Environment Regulation undertaken any monitoring of the soil and groundwater at the Broome Turf Club;
- (o) if yes to (n), will the Minister table the results of the monitoring;
- (p) if no to (n), and or (o), why not;
- (q) is the Broome Turf Club registered as a contaminated site;
- (r) if yes to (q), when was it registered;
- (s) if the Broome Turf Club is registered as a contaminated site, will the Minister table the contaminated site report detailing any remediation required;
- (t) if no to (s), why not;
- (u) will the soil contaminated by waste oil be removed;
- (v) if no to (u), why not;
- (w) if yes to (u), when will it be removed and where will it be taken to be treated/disposed of properly;
- (x) has the Government offered the Broome Turf Club an alternate/temporary solution to treatment of the contaminated track so that the Broome race round can go ahead during 2016;
- (y) if yes to (x), what will this treatment be and how long will it last;
- (z) will the Broome Turf Club be required to remove all the contaminated soil after the Broome Race round 2016 and by what date;
- (aa) who will pay for the remediation;
- (bb) is the Minister aware of how much funding has been provided to the Broome Turf Club over the past five years, including from the Department of Racing and Gaming; and

(cc) has the waste oil been a risk to any animals, jockeys and other personnel associated with the race track?

Answer

The Minister for Environment has provided the following response.

- (a) The then Department of Environmental Protection became aware of track oiling in 2002.
- (b) The Department of Environment Regulation (DER) understands that the Broome Turf Club (BTC) has been using waste oil as a soil stabiliser and dust suppressant since the track was first commissioned in 1948.
- (c) DER understands that the waste oil was used engine oil (i.e. sump oil).
- (d)-(f) No scientific test results on the waste oil have been provided to DER.
- (g)-(l) No. The use of waste oil as a soil stabiliser and dust suppressant is not an activity listed in Schedule 1 to the *Environmental Protection Regulations 1987* and consequently the premises is not regulated under Part V Division 3 of the *Environmental Protection Act 1986*.
- (m) Yes.
- (n) No.
- (o) Not applicable.
- (p) Soil and groundwater monitoring at suspected contaminated sites is, in most cases, the responsibility of the person who caused the contamination or the current site owner. DER administers and enforces the *Contaminated Sites Act 2003* (CS Act). BTC has commissioned periodic soil testing since approximately 2002. The Department has reviewed the results of testing undertaken in 2002, 2003, 2013 and 2015.
- (q) Yes. The BTC track (Lot 1848 on Plan 185625) was reported as a known or suspected contaminated site and subsequently classified as *possibly contaminated – investigation required* under the CS Act on 15 March 2007.
- (r) The site was reported under section 11 of the CS Act in January 2007 and classified under the CS Act in March 2007.
- (s)-(t) Under the CS Act, only sites classified as *contaminated – remediation required* are required to be remediated. The site is currently classified as *possibly contaminated – investigation required*, and the 'reasons for classification' were updated on 5 April 2016. The current classification requires the submission of a strategy for the commissioning of further works by 6 May 2016.
- (u) There is currently no requirement for track soils to be removed.

- (v) The site has not been suitably investigated to determine requirement for remediation, such as by removal. Based on the information available at the time of classification in 2007, potential contamination at the site was assessed as presenting a low potential risk. The results of subsequent testing, such as that in 2013 and 2015, have supported this assessment. However, further detailed testing is required to fully delineate the nature and extent of potential contamination at the site.
- (w) Not applicable.
- (x) No.
- (y) Not applicable.
- (z) Refer to response to question (u).
- (aa) Not applicable.
- (bb) No.
- (cc) The results of periodic soil sampling and analysis undertaken by the turf club indicates that hydrocarbons have not significantly leached into the soil profile, owing to local geology and the installation of a bitumen-based membrane beneath the track. Analysis of a water sample collected from an onsite production bore in 2002 did not detect any petroleum hydrocarbons above the laboratory limit of reporting. Based on these results, it is unlikely that there has been an unacceptable risk to human health or the environment.

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