



ENVIRONMENT PROTECTION NOTICE No. 11589/1

Issued under the *Environmental Management and Pollution Control Act 1994*

ISSUED TO:

RECYCAL PTY LTD (ACN 145 386 992)
UNIT 3, 81 - 85 HEATHERDALE ROAD
RINGWOOD VIC 3134

ENVIRONMENTALLY RELEVANT ACTIVITY:

Production, processing and storage of waste material known as 'shredder floc'.

GROUND(S)

I, Wes Ford, the Director of the Environment Protection Authority ('the Director'), being satisfied in accordance with section 44(1)(a) of the *Environmental Management and Pollution Control Act 1994* ('the EMPCA') that in relation to the above-mentioned environmentally relevant activity that serious or material environmental harm is being, or is likely to be, caused, hereby issue this environment protection notice to the above-mentioned person as the person responsible for the activity.

PARTICULARS OF GROUNDS

Shredder floc produced by Recycal Pty Ltd is a pollutant

1. I am satisfied that:
 - a. Recycal Pty Ltd (ACN 145 386 992) ('Recycal') is a waste storage and metal recycling facility located at 256 George Town Road, Rocherlea ('the Land') operating under DA0538/2019 containing Permit Conditions Environmental (PCE) No. 10313 as varied by Environmental Protection Notice No 11143/2.
 - b. Recycal produces shredder floc by shredding scrap metal items such as cars, fridges, and washing machines.
 - c. Shredder floc contains metals, plastics, wood, rubber, foam, other contaminants and fine particles of those contaminants.
 - d. The Environment Protection Authority ('the EPA') has tested the shredder floc produced by Recycal. The shredder floc is 'controlled waste' within the meaning of the EMPCA s 3(1), in that it is controlled waste within the meaning of the *National Environment Protection (Movement of Controlled Waste between States and Territories) Measure 1998*.
 - e. Some of the chemicals found in the shredder floc, including lead, are toxic and/or ecotoxic, with the potential to have a significant adverse impact on

1 February 2024

human and animal health, and adverse impacts on ambient marine, estuarine or freshwater quality.

Serious or Material Environmental Harm from Shredder Floc dust is being caused or is likely

2. I am satisfied that shredder floc produced by Recycal is causing or is likely to cause serious or material environmental harm and/or environmental nuisance because:
 - a) Since the 2022 fire in the shredder floc storage shed at the Land, subsequent removal of shredder floc out of the shed and the commissioning of shredder floc processing equipment, the potential for off-site migration of contaminated dust from large, uncovered piles of shredder floc, has greatly increased, in addition to dust generated by the shredder (the equipment used to shred scrap metal and recover ferrous metals).
 - b) The EPA undertook two rounds of dust sampling and testing from premises in the vicinity of Recycal in 2023 to determine whether off-site migration of shredder floc dust from the facility is occurring.
 - c) This sampling and testing identified several metals above expected background levels, most notably lead, in the dust samples. The concentration of lead was highest in samples collected closest to the Recycal facility, and lower in samples collected further away.
 - d) I am advised by the Director of Public Health that:
 - a. Over recent decades, evidence of health harm from lead – even at low levels of exposure – has accumulated.
 - b. There is no safe level of lead in the human body. It follows that wherever lead is present in the environment, where humans can be exposed to it, there is a risk to human health, particularly from repeated or prolonged exposure.
 - c. Striving to eliminate lead exposure is an accepted population health precept and is particularly important to protect the unborn child of pregnant women, and young children.
 - d. Having identified lead contamination of environmental surfaces in and near the industrial area, Public Health Services is urgently undertaking a range of actions to provide clear, proportionate, and useful advice to persons likely to be exposed to these environments now and in the recent past, focusing on mitigating risks of human exposure, such as by safe cleaning and reducing ingress of dust.
 - e. Public Health Services will also, as a priority, communicate similar advice to businesses further along George Town Road, and to residents in a pocket of suburban properties closest to the industrial area and will encourage people in these areas to take up an offer of free blood lead testing.

- f. There is a need to gather more information to determine the geographical extent of contamination, and to inform a human health risk assessment. This will involve further environmental testing to substantiate the findings so far, and to characterise any contamination in residential areas beyond the limits of testing undertaken to date. Actions to contract a suitable expert to rapidly undertake further environmental monitoring and an associated human health risk assessment are underway.
 - g. Sampling and testing by the EPA so far suggests the lead concentration in dust tends to decline with distance from Recycal over several hundred metres. This may reduce the risk of clinically significant exposure in the residential population in suburban Rocherlea. However, there is not yet enough evidence to be sufficiently sure of this. Information from the further environmental testing and blood lead testing will inform a human health risk assessment and will enable Public Health Services to more confidently provide advice to residents.
 - h. Even if further investigation indicates there is no current health risk to persons living further way from the industrial site, there are still people working and living much closer, where there is already evidence of lead pollution. Hence, mitigation measures to prevent dust migration from the site are required.
- e) Recycal has not put in place effective dust controls for shredder floc produced, processed and stored outside to prevent contaminated dust migrating offsite.
3. It is necessary to require Recycal to promptly remove or cover the shredder floc to prevent, control, reduce or remediate the environmental harm and/or the likely risk of environmental harm.
 4. It is necessary to require Recycal to stop operating machinery to produce, process and store shredder floc onsite, in order to reduce dust migration.

DEFINITIONS

In this Environment Protection Notice -

EPN – means Environment Protection Notice.

the Land - means the land at 256 George Town Road, Rocherlea in Tasmania (title reference 155461/1) and includes buildings and other structures permanently fixed to the land, any part of the land covered with water, and any water covering the land.

shredder – means the equipment used to shred scrap metal and recover ferrous metals.

shredder floc – means the by-product produced from shredding scrap metal, including all recoverable materials and all waste material.

processing of shredder floc – means processing of shredder floc in equipment other than the shredder.

Unless the contrary appears, words and expressions used in this EPN have the meaning given to them in this EPN and in the EMPCA. If there is any inconsistency between a definition in the EMPCA and a definition in this Notice, the EMPCA prevails to the extent of the inconsistency.

REQUIREMENTS

The specific requirements are set out in Schedule 1 of this Notice.

NOTICE TAKES EFFECT

This notice takes effect on the date on which it is served upon Recycal.

APPEAL RIGHTS

Recycal may appeal to the Tasmanian Civil and Administrative Tribunal (the Appeal Tribunal) against this notice, or against any requirement contained in this notice, within fourteen days from the date on which the notice is served on Recycal. The Appeal Tribunal can be contacted at:

Registry
Tasmanian Civil & Administrative
Tribunal GPO Box 1311
Hobart TAS 7001

Phone: 1800 657 500
Email: resourceplanning@tascat.tas.gov.au



Signed:

DIRECTOR, ENVIRONMENT PROTECTION AUTHORITY

Date: 1 February 2024

1 February 2024

SCHEDULE 1: CONDITIONS

1. Unless otherwise approved in writing by the Director, within 7 days of the issue of this EPN all shredder floc on the Land must either be removed or covered sufficiently to ensure that no dust is emitted from the Land.
 - 1.1 Any removal of the shredder floc must be undertaken in a manner that prevents dust migration from the site and is lawfully conducted using a registered controlled waste transporter.
 - a. The shredder floc may only be taken to a facility that is authorised to receive it.
 - b. The Director must be notified at least 2 days before any shredder floc is removed from The Land.
 - 1.2 Any covering of the shredder floc must be done thoroughly and securely using non-permeable sheeting material that does not admit wind or water. Shredder floc piles must not be sprayed or doused with water to achieve dust suppression.
2. All production of shredder floc on the Land must immediately cease and may not resume without approval in writing from the Director.
3. All processing of shredder floc on the Land must immediately cease and may not resume without approval in writing from the Director.
4. Within 7 days of the issue of this EPN the power supply to the shredder and shredder processing equipment must be disconnected at the switchboard and may not be reconnected without approval in writing from the Director.