

Minutes

Meeting No.: 189
Date: Tuesday 21 January 2025 12 – 3 pm
Location: Level 1 Meeting Room No. 1.01 (Florentine), 40 Elizabeth Street, Hobart
(entrance via Collins Street)

PRESENT

Board

Mr Andrew Paul (Chairperson)
Mr Wes Ford (Member)
Mr Mark Gifford (Member) (via Teams)
Dr Ian Cresswell (Member)
Ms Rosanna Coombes (Member) (via Teams)
Dr Therese Flapper (Deputy Member) (via Teams)

Other attendees

Dr Martin Read (Executive Director, Environmental Assessments, EPA)
Ms Fionna Bourne (Manager, Environmental Engagement, EPA)
Ms Cindy Ong (Director, Environmental Regulation, EPA)
Ms Helen Mulligan (Manager, Assessments Branch, EPA)
Ms Zoe Palmer (Assessments Support Officer, Assessments Branch, EPA) (via Teams)
Ms Sophie Buttery (Senior Environmental Officer, Assessments Branch, EPA)
Mr Alan Davidson (Senior Environmental Officer, Assessments Branch, EPA)
Ms Catherine Browning (Senior Environmental Officer, Assessments Branch, EPA)
Ms Kerryne Barwick (Principal Legal Practitioner, EPA)
Dr John Innis (Air Specialist, EPA)
Mr Peter Topless (External Consultant)

189.1 Apologies

There were no apologies for meeting number 189.

General Board Business

189.2 Minutes of Board meetings

- a. Meeting no. 188 held on 3 December 2024

The Board resolved to approve the minutes a true and accurate record of meeting 188 of the EPA Board held on Tuesday 3 December 2024.

189.3 Board decision registers.

- a) Board Decision Register

The Board noted the Board Decision Register noting one error under 188.8 which should read “Laura Smith” not “Kelly”

- b) Out of Session Decision Register

The Board noted the out of session Decision Register

189.4 Declaration of Interests

Ms Rosanna Coombes (Member) has recently been asked to act in an Executive role within City of Launceston and will abstain from decision of Item 11 (Recycal Pty Ltd – Application for Environmental Improvement Programme).

189.5 Delegations

The Board noted the decisions made under delegation since the previous meeting.

189.6 Actions arising

The Board noted that it had been provided with an update on climate change actions across Australian Jurisdictions that was recently provided to the Heads of Environment Protection Authority meeting.

- The Board requested that the EPA circulate the link to the Sector Based Emissions Reduction and Resilience Plans on the ReCFIT website
- The Board resolved to seek a briefing on climate change actions from the Director of Climate Change at a future Board meeting.

189.7 Standing action items

The Board noted the Standing Action item list and the delay in the Environment Protection Fund Report to the March meeting due to the Lake Rosebery Oil Spill incident.

Items for Noting

189.8 Briefing on Recycal Pty Ltd*

The EPA provided the Board with an overview of the history (since 2019) and issues that the EPA have been dealing with in the management of the Recycal Pty Ltd site at Rocherlea.

The Director provided the Board with an outline of the process that led to the submission of the request to develop an Environmental Improvement Programme (EIP) by Recycal Pty Ltd for the Board’s consideration. The Director noted that a clear pathway for the removal of the floc from the site is required and the options available going forward are:

- Floc to go to Remount Road – would require environmental approvals to be given
- Floc to go to the C-cell operated by Southern Waste Solutions Copping – environmental approvals in place and the C-cell requires no structural change to be able to hold the floc.

It was noted that the floc is currently being independently tested by consultants as indications are that the floc is a class 3 waste given the presence of lead, zinc, cadmium and PCBs.

189.9 Environmental Improvement Programme – Legal Considerations

The Board took the paper as read and noted that an Environment Improvement Programme (EIP) is not a usual approval process, but rather it is a programme of works/actions to be undertaken to bring a site into compliance with existing approvals.

It was noted that once in place an EIP holds all existing permits/investigations in suspense for the period of the EIP which could be up to 3 years, and as such care would have to be taken in defining what was within the scope of the EIP and what was not.

The Board noted that in considering an EIP consideration needed to be given as to how risk is managed in the short term under the EIP as the area subject to the EIP transitioned to compliance with existing approvals/EPNs.

189.10 Recycal Rocherlea Human Health Risk Assessment (Presentation)

The Board noted the two presentations on dust monitoring undertaken by the EPA on and around the Rocherlea site, and the Human Health Risk Assessment undertaken by GHD.

Items for Decision

189.11 Recycal Pty Ltd – Application for Environmental Improvement Programme

The Board discussed in general terms the application from Recycal Pty Ltd for an EIP.

The Board discussed matters related to the request and noted areas of concern requiring additional advice including but not limited to:

- the information they had received on the legal considerations for the Board in entering into an EIP;
- that an EIP has no capacity to deal with off-site impacts;
- that the legislation is silent on cost recovery for the monitoring compliance with an EIP;
- the capacity of an EIP to address the range and complexity of compliance matters; and
- the need for clarity on the disposal of floc that is already on site.

The Board resolved to:

- defer consideration of the EIP application from Recycal Pty Ltd pending further advice; and
- seek advice from the Office of the Solicitor General on the EIP regulatory matters the Board has concerns about the legislation.

Items for Noting

189.12 Community Achievement Awards 2024 End of Program Report

The Board noted the end of program report for the Community Achievement Awards.

189.13 Assessments in progress, other assessment caseload

The Board noted the Assessments in progress and other caseload papers

189.13 Media releases – <https://epa.tas.gov.au/epa/news nil>

189.14 Correspondence

Environmental Defenders Office – correspondence to Board regarding Sanbar Quarry

The Board noted the correspondence and response from the Executive Director – Environmental Assessments.

189.15 Any other business

The Chair, on behalf of the Board congratulated Dr Martin Read on his imminent retirement and thanked him for his contributions to the operations of the Board, his high level knowledge on the matters the Board has

considered, and wished him all the best for the next phase in his life.

The Director echoed the sentiments of the Chair and offered his personal thanks to Dr Martin Read for his years of professional service and friendship.

189.16 Review of meeting

Next meeting: **Tuesday 4 February 2025 at 12noon**

Minutes endorsed by:

A handwritten signature in blue ink, appearing to read 'Andrew Paul', is written over a faint, light blue rectangular background.

Andrew Paul

CHAIRPERSON

BOARD OF THE ENVIRONMENT PROTECTION AUTHORITY

DATE: 4 February 2025