

# MEETING NOTES

**Subject:** Boral Deer Park Community Liaison Committee Meeting

**Location:** Boral Deer Park Quarry Training Room, Riding Boundary Road, Ravenhall

**Date & Time:** 13 November 2014 – 5pm

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**Minutes:** Anne Murphy, independent note-taker

## Attendees:

1. **Joe Carabott** – Neighbouring resident
2. **Frances Carabott** – Neighbouring resident
3. **Shagun Saini** – Caroline Springs resident
4. **Mia Mareck** – Caroline Springs resident
5. **Lorraine Harrison** – Brimbank City Council
6. **Sharon Lee** – Taylors Hill resident
7. **Eyal Cohen** - Neighbouring property owner
8. **Chris Bydder** – Environment Protection Authority
9. **Alistair Nairn** – Environment Protection Authority
10. **Wendy Bitans** – Neighbouring resident
11. **Margaret Hewitt**– Caroline Springs resident
12. **Mick Hewitt** – Caroline Springs resident
13. **Marion Martin** – Deer Park resident
14. **Steve Finlay** – Melton City Council
15. **Richard McCarthy** – General Manager, Boral Waste Solutions
16. **Jason Parr** – Quarry Manager, Boral Deer Park Quarry
17. **Darren Gregory** – Operations Manager, Boral Western Landfill
18. **John Stewart** – Compliance Officer (Environmental), Boral Western Landfill
19. **David Karstens** – Plant Manager, Boral Deer Park Asphalt
20. **Katherine Czapnik** – Senior Health, Safety & Environment Officer, Boral
21. **Monika Schott** – Community & Environment Advisor, Boral
22. **Paul Jackson** – Stakeholder Relations Manager (Southern Region), Boral Property Group

## Apologies:

**Clare Brennan** – Albanvale Resident

**Anita Luseti** – Caroline Springs Resident

**Matt Williams** – Plant Manager, Boral Deer Park Concrete

*The following notes are taken from presentations and conversations conducted as part of this community meeting. The content, whilst representing an accurate summation of proceedings, should not be taken to represent exact dialogue unless specifically minuted as such.*

*Meeting notes are reviewed at the start of each meeting to identify any items in need of correction.*

## **Meeting opened – approximately 5.15pm**

### **1. Welcome and Apologies**

**Paul Jackson (PJ)** welcomed everyone and thanked them on behalf of Boral for their time. PJ included that he had been chairing the meetings since November 2013 and participating in them since 2010.

It was commented that an apology for Clare Brennan from the last meeting was not noted in the notes of that meeting. Apologies were offered on behalf of Anita Lusetti.

### **2. Previous Meeting Notes and Matters Arising**

PJ referred the meeting to the notes taken at the 6 August 2014 meeting, again apologising for the delay in their issue. He said this meeting would include an Environmental Update alongside the usual General Business and other issues sections.

PJ introduced all Boral personnel present including **Jason Parr (JP)**, Quarry Manager, **David Karstens (DK)**, Asphalt Plant Manager, **Richard McCarthy (RMcC)**, General Manager of Waste Solutions, **Darren Gregory (DG)**, Operations Manager of the Western Landfill, **John Stewart (JS)**, Environmental Compliance Officer at the Landfill, **Katherine Czapnik (KC)**, Senior Health, Safety & Environment Officer, **Monika Schott**, Community & Environment Advisor (MS), noting that the members have contact details for MS and to call her if they have anything to discuss regarding the four Deer Park businesses. PJ also noted that **Matt Williams (MW)** was an apology before finally introducing himself.

PJ added, regarding business from the last meeting, that there is now an independent note-taker. **Anne Murphy (AM)** was then introduced.

There was a question in relation to the function of the CLC for Brooklyn. The EPA contacts were to come back with information.

Future Quarry Development - where has the quarry gone, where is it going and so on. It was noted JP provided a good overview at the last meeting. There was discussion about a diagrammatic representation. That information is commercial-in-confidence and therefore not able to be shared in a diagrammatic form. JP's description is captured in the quarry plan.

Studies about effects on the water table for different operations - PJ deferred to RMcC for comment. RMcC said he has copies of the most recent audit report and offered to show how to find it on the EPA's website. He noted that another EPA study will be made public once finalised.

There was a question about timelines for these reports to which RMcC responded that some are getting close to final draft whilst others are interim. They will be shared when available. They will go a long way towards answering previous questions.

A comment was made about diagrammatical representations where a resident said he didn't mind letting it go but hoped that Boral did not continue to use 'commercial-in-confidence' as an excuse.

Boral's response was that this is the standard course for all quarries, not just Deer Park.

The speaker responded that he just wanted information about where Boral has dug and where Boral will dig and how is that progressing? He said he could not imagine any commercial sensitivity.

Another resident asked about the progress of blasting immediately behind their adjoining property, adding there had been blasting there recently.

JP replied that a couple of months ago there was blasting but as a lower grade material exists there than in the south-west corner, he was hopeful they would be able to start doing some more blasting this month. The quality of rock in that corner is not as good as elsewhere.

The resident then asked that because it is not the buffer, can the buffer be removed so he can use his land. PJ replied that market requirements and the quality of the rock determine what work we will be doing. The resident said that his property on the other side is OK.

PJ again mentioned the recording of participants' names, returning to the previous position that unless express permission to use names is received, reference to participants will remain generic. PJ noted that Boral must have written consent to use individual's names, noting that some permissions had been given and that if others want to have their names recorded, a message could be sent through to him.

A comment was then made by **Mick Hewitt (MH)** on behalf of those also participating in the Stop The Tip campaign that as a group, they are more than happy to have their names recorded and felt sure that Council officers are in the same position. MH said he couldn't see why some people cannot be named.

PJ said he respected that some people do not want their names mentioned and said he would take on board that Stop The Tip members want to be named. MH replied that they will just send an email and that will be enough. PJ agreed. Boral and public officials should be named.

PJ then said that there was a very clear message that the residents wanted to relay to Sydney about their experiences around the operations and the impact on their community. PJ noted that he undertook to make sure that messages were sent up and that he shared the minutes of the meeting with the Boral executive. In RMcC's line, there was also feedback about community feelings on this issue.

**Sharon Lee (SL)** asked if PJ could share with them what he shared with the CEO. Both PJ and RMcC replied that he was sent the notes of the last CLC meeting. SL then asked if they remembered when they sent that information, saying that the community has sent their own information and not received acknowledgement that the CEO has read the concerns.

PJ said he sent his in October and that it came up in RMcC's internal reporting.

PJ also noted that the residents had asked about site inspections and asked what arrangements had been made. PJ wished to clarify if they wanted this in the next couple of months or early in the new year.

RMcC said there's no firm date in mind at present but that Boral are looking at doing something on a more regular basis, for example every second Tuesday of the month.

A resident asked if Boral is waiting for the next cell to be complete before arranging for public inspections. RMcC replied site visits would be part of MS's role. A further question was asked about logistics and how Boral would get people around the site. MS replied it was her understanding this could be done by bus.

PJ asked if there were any other issues from the last minutes. MH mentioned that on the last page there is a statement about a number of comments being made that if Boral could achieve satisfactory results with its operational issues like odours and escapes of litter, no one in the community would be concerned about landfill at all. MH reinforced that the community is dead-set against the landfill because odour and litter problems persist and Boral is failing to contain them.

PJ replied that he had considered the feedback which had been sent through prior to the meeting and that Boral does not agree. PJ did agree that there were a number of individual conversations started ahead of the meeting being closed, including one with a local landowner with property interests adjoining the Boral precinct. PJ continued that his recollection was that one of the community participants, not present today, actually made the statement that was just read out. PJ said he noted it and that is how it was captured in the minutes. PJ said that was his recollection but could see it was not aligned with that of the residents.

MH noted there were a number of people representing the community in the room, but that the property owner has a vested interest and is not a resident. Another commented that the community representatives did not make that statement and it should be withdrawn.

PJ noted that as some community representatives did not agree with the particular statement, it would be minuted as such because he was not prepared to withdraw it as he is prepared to stand by his recollection of the event.

Another regular participant commented about an email he sent regarding various information not being recorded in the notes.

PJ replied that he read through the email and considered all bar one of the points raised are actually contained in the notes. As an example, it was raised that the notes mentioned that Boral admitted

the landfill is not being operated within the requirements. PJ said he believed that DG acknowledged that there are issues with the landfill.

The resident asked if his email could be responded to as they did not believe the points raised are covered by the minutes. PJ said he will do that as an action item.

PJ then started to introduce the next item, however a resident had questions about the EPA toxicology study and monitoring equipment which PJ referred to the EPA representatives.

**Alistair Nairn** (AN) replied that this (a literature review study, *Air Emissions from Non-Hazardous Waste Landfills – a literature review*) had been forwarded to the committee via **Marion Martin** (MM). AN said that they do not believe there is proprietary technology for identifying the kinds of odours from a landfill or compost. The types of sulphide particles are so diverse and in such small quantities it is very hard for an electronic instrument to pick up. This equipment is typically calibrated for specific pollutants. The source of odours able to be picked up from landfill and biodegradation are very diverse and it is very hard for an instrument to do that (and they do not have the sensitivity or selectivity required). The human nose is far more sensitive and can differentiate between thousands of different compounds at very low concentrations.

A resident highlighted that as the landfill grows bigger, the smell gets worse and it affects communities further away. Evidence is needed to see that it does not affect them – the EPA was asked if an assurance could be given that there were no health impacts.

CB replied that we know through research and experience that risk to human health from this landfill is highly unlikely. Also, the landfill is not “growing bigger” per-se, as at any given time the tipping face in the active cell will be approximately the same size as now, it is just that the tipping face will move around the site as cells are filled and progressively rehabilitated.

AN replied that the Department of Health is a referral body during works approval assessment, and that this is the process that provides assurance on the health status of works.

AN referred to the report, noting he was not aware of anyone remotely concerned about the landfill causing health impacts inside the EPA, referring to toxicological effects from breathed particles. A resident asked if they could have copies of the reports. AN said he can provide a link to a report from RMIT.

A further question was asked about comments made about studies and discussions with people in the EPA who said there are no health effects. AN said he was not talking about studies and discussions with Boral, noting that when people experienced odour they are often concerned it is affecting their health. No one within the EPA believes that this is a realistic concern in terms of hidden chemicals or particles from landfills with appropriate buffers. A resident asked if this could be provided in writing on EPA letterhead to the Caroline Springs community. AN continued that specific internal discussions about this landfill had not occurred.

A resident then asked why it was that tips on the other side of town are closing due to health concerns, to which **Chris Bydder** (CB) replied that the landfills were closing because they were full, not because of health concerns.

Another resident asked for a show of hands of people living within a 1km radius of the facility, noting that they believed their nose had been severely affected. This has zeroed their tolerance to the odours as they cannot smell it any more. It's the same for people who work in the environment. A further comment was made that the EPA has a negative response to community people who do report.

SL stated that in 20 years' time she did not want the EPA saying, "we didn't know that" in reference to the potential for health effects. CB said that they have sought feedback and been involved the community. She asked where the feedback had been obtained and whether it had been from 'the people ringing up'?

RMcC replied that a focus group study was done with a specific set of questions for consistency and that nothing had been commissioned since April. There was opportunity for people to add comments. Boral hasn't done anything of this type since the Council decision in May.

MM, referring to the last meeting, raised that rather than waiting the usual three months, Boral were going to look at having more frequent meetings. PJ replied that as Boral still has an application to do, a more comprehensive community consultation program was still necessary.

MM stated that the community does not trust Boral any more and asked when the new application was going in. RMcC replied that would be once Boral has everything in a format which can be shared, but couldn't yet commit to a date. He reminded that Boral was not objecting to VCAT, but will submit another application. MM noted that there are a lot of people who want to sell and get out of the area due to this new application.

SL commented that Thursday's Stop The Tip meeting with MS was initiated by the community. Another resident added that at its last meeting, Boral said the meetings would be a very regular affair and asked why they had just heard about today's meeting now, via other sources. They expressed they were very clear they wanted to be involved. PJ agreed.

RMcC added the meeting was for the Community Liaison Committee and not about those wanting to shut down the landfill.

A resident stated their concern about how the landfill will affect children and that he was happy with how things went at the last meeting.

MM said there are problems with health in her family. She's been putting up with the landfill for fourteen years and complaining for five years. Before that she was healthy and now has heaps of problems. She noted she believed what she is now breathing every day is affecting her.

CB stated that it is not within the EPA's jurisdiction to be writing letters. They look at risks from all sorts of industries. They need to be informed about how pressing those risks really are, for example what happens when a proposal from an operator to open a landfill is received. Part of the process is

that the EPA sends the proposal to the local Council and the Department of Health and takes their advice about whether they accept the proposal or not.

**Louise Harrison** (LH) remarked that it is understood that the EPA does not deal with people's health, but the Department of Health does. A request was made as to whether a Department of Health representative could be made available to talk at the next meeting about odour.

CB replied that the EPA is a frontline and scientific organisation, not health. However, the EPA has a document which is a detailed literature review of studies all around the world of communities living near domestic waste landfill. The EPA did some sampling at Hampton Park and produced a quite detailed report about the relationship between health impacts and those sorts of landfills. This is probably the best storehouse of information that might answer questions people have. CB offered to send out a link or the document itself.

A question was asked whether the EPA thought it was worthwhile sending someone to talk about these issues to which CB replied that he did not think there was anything that relates to odour.

CB said that he agreed that landfill is the reason the EPA attends the meetings and is the main reason the community attends as well.

PJ then noted that Boral Concrete was not represented tonight, and asked DK to give an update on matters concerning the Asphalt plant.

DK reported that Asphalt has just completed running a stint of night shift, Sunday to Thursdays in November. They are confident they have won a contract that will see them operating in early January. Proposals for a new plant are being revisited, as are alternative upgrades. There will be no night shift projects until mid-January.

A resident asked if there had been any more incidents at the intersection adjacent to the Asphalt site. DK replied there had not.

There was an earlier one that was very serious - a 'head-on' with a guy who fell asleep and drifted across the road. Boral has emplaced warning messages on the three approaches to the intersection and a lighting tower as well. DK said he had not heard if the Council will install a light over the intersection. A report is being put together as to whether the intersection needs any more engineering treatments. DK said he thought both accidents were caused by drivers heading east and not being aware it is now a T-intersection or not concentrating.

PJ then invited JP to discuss quarry operations.

JP said he would go through the quarry's environmental monitoring, noting there had not been as many blasts recently as sales had dropped by around half. The blasts were in 'zone 5', in the south-west of the site.

A resident commented that he felt a blast on a windy day a couple of weeks ago, with JP replying that the ground vibration was OK but the air blast was up, What was 'felt' was not ground vibration -

it was air blast. The blast was compliant as it was within limits. JP added that there would be another one in a couple of weeks.

Ground vibration was shown to be compliant. Near resident's place, decibels measured about 110. The other one was 104. 90 is the threshold.

Dust emissions were reviewed next. The Hopkins Road monitoring station was normal. There was a spike in station 'E' because some trucks were doing some stripping near Riding Boundary Road. The air monitoring station is near the trees. Any dust made goes straight into the station.

A question was raised about whether Boral was doing any work that would cause a spike in measurements. JP replied yes. This was the trucks and excavators digging in the area. He ensured a water truck was on hand on the job.

A question was asked about the size of particles. JP replied that it is in the micrograms, with measures taken down to 'PM10'. The EPA can confirm that is considered a 'nuisance dust'.

CB clarified that dust deposition is about the total dust content without screening down to particle size. A resident then asked how they know this. CB replied that in this nature of work, you don't. A lot of operators are using dust tracks, especially for concreting operations.

A resident asked about monitoring. CB replied that the EPA does not regulate the quarry.

Another resident asked if the dust is coming inside homes and causing a problem, does the EPA regulate that? CB replied that they can. A lot of the particles will fall out, especially in Derrimut, where the residential community is close.

A question was asked about how far east this might happen. CB replied that residual monitoring is a problem because from as little as 20 metres it drops back to 'background'.

A resident asked if there is a north wind, how far can dust travel? CB said he had seen dust storms travel big distances.

CB noted that this is a large volcanic area. There are minerals that can be detrimental to people's health.

KC asked if residents were interested in having a discussion about particle size, to which a resident replied if Boral could show the chemical composition of the dust, it could well solve the problems, depending on the wind.

SL noted that all the dust is coming from the Boral site, whether it is blasting or trucks.

PJ remarked that as you can see from the standard slides we show at each meeting showing the dust monitoring locations, both the monitoring points are beside trafficked roads. That is how dust is monitored in all four sites. SL added that if there is dust, it will affect everyone.

A question was then asked about EPA monitoring, with CB replying that a review of NEPM proposed action for certain levels and measures of certain particle size. KC added that there is construction taking place at the prison site.

MM commented that she has lived locally for 35 years and wonders what has she breathed for the last 14 years.

Another resident asked is Boral using dust track over the top of the landfill hole to make sure the dust is coming from their site? KC replied that Boral is required to measure dust at the boundary. KC added that Boral looks at wind direction and other things. It is usually at the site of the dust. The measure was testing for occupational assessment. It's the reason Boral did it, Council did a rudimentary analysis.

CB replied that the EPA placed pollution abatement notices (PANs) on the site and that they have been complied with. Boral is also in compliance with their notice. The EPA's Deer Park monitoring station has been operating for several years and shows similar air quality to other parts of Melbourne, it has weather equipment so you can determine the general direction of particle sources.

JP noted that the quantity is the issue and Boral will do a presentation of the quality next time.

JP continued his update with news on the northern grasslands. Boral has engaged a new environmental consultant, Aus Eco Solutions (AES). They have completed the first 12 months of their term and conducted weed control and some burn-offs, largely the 'northern paddocks'. Boral has given AES a 12 month agreement to weed manage the northern paddocks.

The quarry sales mix has changed from A grade to B grade, changing operational activities. The quarry is now on 2 x 9 hour shifts, 5 days a week. Boral is currently placing a 'collection fence' into the northern paddocks for striped legless lizard capture as part of preparations for a potential new quarry plant.

On tree planting, an order for 6000 trees is due around March/April next year. A large planting program, mainly on the north and Hopkins Road boundaries of the north-western paddock, will be undertaken.

**Wendy Bitans (WB)** commented that there seems to be a flock of feral goats around which should be noted when planting.

PJ then introduced the Landfill report from DG.

DG reported that since the last meeting Cell 2M - Segment 1 had been approved for waste placement (19th August). Segment 2 is still under construction with lining works continuing on the northern batter. Boral expects to have these works completed prior to end of 2014.

Regarding capping, progress is being made with the final cap over the northern face of Stage 2. Full completion is expected by the middle of next year.

On the leachate evaporation ponds – sub-grade works are progressing. Dynamic compaction equipment has been brought in to improve the underlying ground conditions. Expected completion date for the leachate pond will be confirmed once subgrade compaction works are completed.

On the site upgrade, extra sealing works have been done internally to the site and at the main entry gate.

A question was then asked as to the size of the leachate pond, to which DG replied 14 megalitres. The latest work has shovelled to 300 metres.

Regarding the light vehicle entry road, signage and boom gates still need to go in. The remaining site works include a new office building, and a more formal community and information room is being considered.

An additional 3000m<sup>3</sup>/hr flare is being installed to support gas management. Foundation works are programmed to commence next week. The flare is due to be installed during the first quarter of 2015. Additional 6m litter nets are to be installed along with 34 new gas wells through Cells 2K and 2L. The initial gas well installation for Cell 2M will commence prior to the end of FY15. Cell 3A is currently under design.

Litter management incidents and response – on 8 and 30 September, some minor litter escapes occurred (compared to previous events). The 8 September escape was mainly to the end of the 12m metre fencing. Additional 6m fencing was installed at the western end of the 12m fence on the southern perimeter. Repairs were completed to the eastern litter net fencing which was severely damaged on 24 June.

On 30 September further damage occurred to the six metre nets at the top of the landfill site adjacent to the tip face. Strengthening and reinforcing works were carried out. Litter nets and illegal dumping around the site are being monitored. A picture of the most recent illegally dumped load was shown. It has now been cleaned up.

SL commented that there is a dumped stove that has been in position for weeks and on Christies Road there is a toy that has been there forever. There is some household rubbish that has been there for months also.

DG replied he noticed that and for that sort of work, residents can call the Council, EPA or Boral. Provided Boral can access the areas safely with its resources, it will organise collection of the dumped litter. If not, they will report it to Council for collection. SL continued that she is happy to take photos to show DG where it is.

DG mentioned that this morning there was a burnt out car on Middle Road. It still had registration plates on. He called the Police, who came out.

SL again noted that the residents want to help Boral because this is their home and that they work and live here.

DG told the group that if they see a vehicle dumped and can get information to him, he is happy to pass that on to the Police or EPA for follow up.

A question was asked if DG is able to tell if there are any toxic or poisonous chemicals in loads being brought in by the big trucks.

DG replied that if it can be seen, it can be identified. He acknowledged that where it may look like clean waste initially, there can be hidden waste material inside which Boral is not licensed to accept. If it is seen, it is managed accordingly.

SL asked whether there is a process for load monitoring by Boral.

DG replied that waste audits were done where staff physically go out and check loads. If anything is found, action is taken against that customer, including bans or reporting to the EPA.

A question was asked how many loads had been checked this year. DG replied that he did not have the numbers and that it is not physically possible to check every load, adding that Boral has cameras at the weighbridge that have coverage over the truck if it is uncovered.

A resident then asked if Boral had experienced any problems with loads, to which DG replied that there are a number of customers who have been banned for life.

Moving on to odour management, DG said that landfill surface improvement works were 95 percent complete in preparation for interim cap placing. Final gas well installations in Cells 2L and 2K are expected to commence early next year. All new case wells installed since 17 June are now operational and functioning and daily monitoring is occurring.

Odour results from July to November – 963 samples were taken. 161 odour instances were identified, 59 related to landfill, 74 to green waste, 11 asphalt and seven considered not related to Boral. The bulk of the odours were on the immediate boundary, both green waste and landfill. Some other odours were identified at Ballarat Road and Robinsons and Boundary Roads and landfill odours at Robinsons and Boundary Roads.

A question was asked if complaints made direct to Boral were logged, to which DG replied that Boral does record them but had not received many to date during the year. The EPA has reported complaints made to them to Boral.

The EPA representative said that they have lots of information on odour that they are happy to circulate.

DG continued, saying that if a complaint is received at site, the caller is asked if they can provide a street address as this allows for more accurate investigation.

The EPA representative said that they have lots of information on odour that they are happy to circulate.

SL asked for the contact number. DG said it is (03) 9363 8833.

SL then asked if it is 24 hours. DG replied that the landfill is open between 12am and 5pm. The weighbridge operators can take these calls for further follow up. Select 'Option 1 - Weighbridge' (after dialling 9363 8833) to speak with the operators. Most feedback is after hours. Another reporting avenue is via email: [deerparkenquiries@boral.com.au](mailto:deerparkenquiries@boral.com.au).

A resident commented that you have to wait for the cool change for odour to blow away.

Boral completes daily odour monitoring around the site (immediate vicinity and surrounding areas) to identify and record any odour impacts. Normally, on days like this (still days) the odour can 'sit'. If the wind is from a particular direction, Boral will focus inspections downwind of the landfill.

A comment was made that when there are south-west winds, that is when the smell appears.

A resident asked the EPA if they get feedback and what is their protocol for addressing it. The EPA representatives replied that they cannot reveal what the interventions are but there is quite a lot of information about how they go about investigating things.

A resident then asked if the EPA do prosecute. The EPA representatives noted that they have not prosecuted Boral yet but they have prosecuted a lot of other businesses.

A resident asked why that was. The EPA said decisions are made based on evidence.

The next question was about whether the EPA uses the interventions that they have and at what point will they be used. The EPA replied that they use a 'fit and proper person' test. AN added there are infringement notices and actual prosecutions which are used.

PJ raised the point that at the previous meeting a question was asked about how operations at this site measured against best practice and contacting an independent auditor for verification.

DG said that Boral complete two documents - their annual performance statement (APS), noting that last years' had been shared and this years' posted on the EPA website. Every two years an independent audit against all licence conditions is undertaken.

SL queried if the auditing is really independent and DG replied that the auditor is accredited by the EPA.

DG added that it is a serious, full-on process to document and both processes evaluate site performance. The audit is independent, subject to EPA review and in accordance with EPA best practice guidelines. EPA Victoria best practice guidelines are recognised as the best within Australia.

There are 26 conditions to the Landfill licence. The first seven, G1-G7, the auditors don't look at. Either the site has them or not. Of the other conditions, three are related to 'amenity', two relate to 'waste acceptance', one is for 'waste management', 11 relate to 'landfill' and one each for 'water' and 'land'. There are six where Boral does not believe it complied with the audit condition. RMCC noted there are times Boral agrees with the auditor and times where there is disagreement. For example, Condition A1 - offensive odours not discharged beyond the borders, litter is not deposited

around the boundary. When reading through the report, it is very specific why the auditor has drawn a particular conclusion. There are six non-performance items Boral believes it has had.

A query was posed about line items G1 to G7, to which the EPA replied that they are not specific to a landfill and that they do not need an auditor specifically to address these.

DG added that even after Boral submit the APS, the EPA can come out and conduct an audit.

A resident then asked if Boral get random audits. DG replied that the APS submitted in September 2013 was audited earlier this year. The EPA can attend site at any time to conduct an inspection or audit.

A further question was asked if the EPA audit the auditor, to which the EPA replied, yes, they accredit the auditor and do checking of the landfill but not necessarily what is in the report.

A resident queried why Boral say they don't comply and the auditor says they do.

DG replied that unless Boral can say they are 100 per cent, they cannot claim they are compliant.

A question was asked about leachate. DG said Licence Condition L4.1 sets out the requirements for leachate management and allowable limits within the waste cells. The floor of each cell is shaped so that any leachate generated drains to a central point for extraction and further treatment.

A question then ensued about line item DL1 where a question mark appears in respect to ground and surface water.

DG replied that the auditor has said, 'the current and historical data does not indicate evidence of leachate on water'.

CB said that his group within the EPA deals with general licence requirements. They have a specialised landfill team and an audit team.

A resident asked if the landfill auditor can come along to a future meeting. CB replied that the EPA has brought out their area quality person previously to the meeting and that it's a highly specialised skill to undertake landfill audits.

A question followed about landfill operations. DG replied that the APS is used to report on landfill operations and compliance and becomes a publically available document following submission to the EPA each year (30 September).

The EPA noted that there is an audit process to check that all cells have been installed correctly.

A resident asked if they look at the cell design and then look at the implementation. DG replied that there is an entire approval and audit process. The EPA added that it's a bit like building a house. Cell approvals involve multiple approvals and independent audit prior to and following both design and construction. Full details of the process can be found in EPA documents - 'Landfill Licensing Guidelines' and 'Best Practice Environmental Management - Landfill Siting, Design, Operation and Rehabilitation'.

DG noted that there had been a question about timelines around offensive odours and how the site monitoring process is modified to reflect best practice. Site monitoring and inspection processes are assessed during APS audits. DG also mentioned Boral has to do an air quality report as well which is required as part of future planning and works approval process for landfill extension. SL asked how the air quality review is conducted. RMCC replied it is part of the work review that is done which looks at the potential for generation in terms of odour. It matches everything with marginal data as well and identifies what needs to be targeted.

A resident asked why we use landfill trips and lids in Victoria. RMCC noted that it's like putting Glad Wrap over your pool. Soil covering is more practical. The lids are very restrictive. Each lid covers a 50<sup>2</sup>m area. It's not time practical. The Landfill does not put too much soil between the layers.

MM noted that as the meeting was taking place, Caroline Springs residents were commenting that they could smell odours.

DG said the multiple levels of litter nets at the boundaries represents best practice and are undergoing review as part of site operating procedure.

Regarding leachate, construction of the pond will allow Boral to treat that as well. A lot of work on landfill gas levels has been completed since Boral was issued with a notice this year.

A question was asked whether odour was expected from the leachate pond. RMCC replied that the leachate ponds will have extractors.

AN added that the gas extraction is important.

RMCC noted that on line item L6, Boral will be back into compliance at the end of the year.

SL asked a question about the Hopkins Road signage, noting that they used to be small and that the wording is very misleading.

RMCC noted that there has been feedback about the signage. New signs will be installed that will say 'proposed landfill' rather than 'future landfill'.

A resident asked about timing. RMCC said that the signs have been delivered, but was unsure when they'd be installed.

SL suggested that the current signs be taken down immediately as they are misleading.

AN noted there had been questions about the licence, landfill management and best practice. AN said that the EPA has the landfill best practice environment management guide, referred to earlier in RMCC's presentation. This is available on their website. They would expect Boral or any other operation to administer the impacts of their proposal. There are different ways the EPA regulates, adding that they would apply that to the landfill BPM when there is an application to build a new cell in the landfill. Boral would have to apply for a works approval and put a proposal to the EPA. There would be a lot of to-ing and fro-ing before the EPA even receives the application.

The EPA would accept the application, then have a certain amount of time to assess. The EPA said they cannot afford to be assessing applications that do not meet standards and to be sending them back and forwards. It needs to have all the noise, groundwater, and so on accounted for which are expected will be protected. The assessment is technical and very much focused on the technical impacts of the proposal. Council, at the same time, will be doing a permit process in relation to the application and will consider other things. Also, when the EPA receives the application, it is sent it to the Department of Health and Council to ensure they approve. If they don't, then it's a 'show stopper'. If the EPA accepts the proposal, it gets converted into a licence to operate the cell.

The focus of the EPA is preventative. The EPA is trying to get best practice from the landfill so water is not polluted and so on. Also, the EPA regional unit will be doing compliance inspections again on the licence. They will turn up unannounced and look at whether the conditions are being complied with and experts will do similar inspections. RMCC talked about the Pollution Abatement Notice issued to Boral that afternoon as a result of the July litter escape event.

Additionally, the regional unit responds to pollution reports. The Pollution and Enforcement Policy 2010 is a document that outlines how the EPA intends to apply compliance and enforcement jurisdiction.

AN replied that the Metro region of EPA covers 22 municipalities from Wyndham to Yarra Ranges. They have 12-15 environment protection officers who inspect sites based on level of risk and in line with the above compliance and enforcement policy.

AN continued, saying that EPA try to respond appropriately to the issue involved and are transparent about the measures they are basing decisions on – sustainability, accountability, clear about why decisions were made, inclusive – they consult with stakeholders about the way they apply the standards in relation to issues people have. The authoritative approach means the EPA has a clear base for the standards and aim to be effective. The approach is focused on preventing pollution before it happens. Operations must understand what their conditions are.

A resident observed that the EPA say they are focused on prevention. In terms of groundwater, it was asked whether the EPA could provide residents with further information. AN replied that it is part of the process.

SL asked since the EPA just issued the licence to Boral for Cell 2M in August, can the EPA provide the whole documentation of all the discussions of the work and so on to the community. CB replied that for that sort of question, you need to apply under Freedom of Information legislation. There could be a lot of information that is commercial-in-confidence in relation to Boral's operations. From the EPA's point of view, it could be a competitor asking for the information.

Another resident asked about the Health Department's potential involvement. AN replied that the Health Department is not currently involved. CB said that the Department of Health has a website and the EPA can't speak for them. AN continued that the Health Department are not set up as a frontline organisation.

CB said that the Health Department came out for an asbestos issue in Sunshine North. The EPA is not the health expert, the EPA measures pollution but would rely on Department of Health advice regarding health impacts of pollution. AN added that if the Health Department were to come out, they would probably speak in general terms, noting that every year the EPA publishes an APS.

CB mentioned that EPA response is based on likelihood of detection and risk of harm. In other words, how likely is it that a non-compliance will be found and what is the risk to the environment.

There is a scale of penalties on how the EPA target enforcement. A Pollution Abatement Notice would focus on stopping the cause of the problem and is a remedial tool only. There is an associated infringement scale. People focus on prosecution - proving an offence has occurred or not occurred, environmental offences rely on the same rules of evidence and 'innocent until proven guilty beyond reasonable doubt' that criminal matters do. Options for suspension and cancellation of a licence need to be based on a lot of evidence of non-compliance that can be defended in court.

A question was asked if the EPA had ever cancelled a licence, to which CB responded, yes. A prosecution is easier than suspending a licence under most circumstances. Suspending and revoking a licence can often have the same effect in that the viability of the business is highly compromised by suspending an EPA licence.

AN said that an early warning is given to a company of the problem before a fine or issue of a notice. The EPA has the option of 'enforceable undertaking' in lieu of prosecution which focuses the operator into changing the operation so they are no longer causing a problem in a legally enforceable document.

CB gave an example of a company where there was sufficient evidence to prosecute. The company didn't want to go through court. An enforceable undertaking was drawn up. Part of the undertaking included a clause where the company probably paid more money to help with community projects than the resulting fines in court would have been.

### **Environment Update**

KC was asked to report on work to protect the striped legless lizards at site, starting with the change to the approval process in terms of land clearing. There are a few species protected under the Federal Environmental Protection and Biodiversity Conservation Act which exist in Boral's precinct. Under an agreement with the Federal Government, Boral has changed the way it finds the lizards (*Delma impar*) in the area. They are less than one foot long and occur in the western part of Victoria, especially in the basalt plains. Previously roof tiles were placed out and checked on a regular basis. Checks are undertaken in summer when the lizards are more active. If found, Boral would use a process called "Pitfall Trapping". Eventually the lizard would fall into a bucket, where it could be collected and re-homed in the protected grassland. Each lizard would be collected and re-homed in the protected grassland. JP has new people doing this work and they are doing a great job.

Boral applied for permission to undertake a better and more recommended way to find the legless lizards. This method includes more intensive use of the roof tiles and following 10 checks of each

tiles, a grader then drags lines in the ground as two zoologists, who are independent, walk behind and collect any lizards found. This process is called 'Tyning'. The zoologists examine them before re-housing them in the grasslands. The new method is more effective and hopefully the outcomes will be better. The Spiny Rice Flowers (botanical name: *Pimelea spinescens*) found on the site are also protected. Botanists survey areas of Boral's land to be developed ahead of activity.

## **General Business**

### Item 1: Financial assurance around the landfill

RMcC reported that Boral is required to lodge a financial assurance, essentially a bank guarantee for the Landfill operations. This is so the state does not have to clean up the site if the company leaves. Boral has its own provisions for post-closure. The EPA is currently reviewing the financial process. There is information about this on the EPA website.

A resident asked if Boral is undertaking world's best practice at the landfill and can residents have a copy of what constitutes best practice.

RMcC responded that he had previously spoken about the issue with the process outlined on the Boral website. When Boral applies for a new cell, they have to comply with the current standard.

A question was asked about the end-use of the quarry, to which the EPA replied that a bank guarantee is like a bond. The money is used to come in and fix up the place.

A further question was asked about Boral's own estimation of the cost. RMcC replied that Boral has to make provision for a certain amount each year for post-closure activity. It is set aside until the time Boral's work is complete. Boral's auditors look at the adequacy of the provisions.

A resident asked what the figures are. RMcC replied that they are sufficient and that he is not at liberty to disclose them. Boral is looking at what is happening in the industry as a benchmark.

SL added that Boral had put a lot of toxic chemicals into the waterway and it has gone into the creeks. The water goes all the way to Port Phillip Bay, so does the company and the EPA consider the \$2.5 million guarantee sufficient?

RMcC replied that the EPA assess against risk. The likelihood is extremely low.

A resident noted that it's 'early days' and asked how can the community be assured Boral has sufficient funds? RMcC replied that this is part of the company's activity.

CB added that there is ongoing monitoring and rehabilitation.

SL then noted that earlier in the meeting Boral said they really do not know what exactly is in each load, apart from what is on top. If there is asbestos or chemicals, they can leak into the ground. There are accordingly lots of risks.

RMcC replied that the monitoring Boral does can tell if there is anything leaking and that this is confirmed through waste audits and what Boral is licenced to accept. When each cell is designed, it is designed to contain everything.

The EPA added that leachate forms when rainwater passes through the waste mass. This is collected in a leachate sump in the bottom of the cell so it can be managed and that groundwater is protected.

SL asked if there was any chance residents could look at the water test reports, to which RMcC replied that Boral will share the APS, adding there were three copies of the independent audit at the meeting. It was mentioned they can be downloaded from the EPA website, under the information portal. Melton Shire menu has all the related documents.

A resident asked if the EPA email address could be provided. PJ noted an action item to include the EPA email address in the minutes: [contact@epa.vic.gov.au](mailto:contact@epa.vic.gov.au).

PJ then spoke about community engagement from 2015. He posed the question that when everyone is interested in the landfill, why does Boral go through news from the other businesses? PJ added that these are requirements of the separate quarry and landfill permits.

Before 2012 there were two separate meetings – the one for the quarry was called an Environment Review Committee. This Committee conformed with the guidelines of the then Department of Primary Industries. The guidelines set out how the committee is framed and how it is supposed to function. It is very descriptive about who can be a member and community representation.

For landfill, the permit requires a channel of ‘community engagement’ and the chosen method has always been the staging of the committee. Until 2012, the two forums met on the same night back to back, with the same members. After a couple of years of this, it was decided to combine them. Now the majority of the meeting is focused on the one operation – the landfill.

Boral believes it will be more functional for the forum to be split back into two separate meetings. This will allow more detailed discussions on important issues, answer questions and ensure that a broad range of representatives will be included. Before August there was no representation from Derrimut and Caroline Springs. By obtaining a more representative mix of stakeholders, focus can be given to the right subjects. This is only one method Boral has had to keep the community informed.

Once new Terms of Reference for the Committees are framed, they will be circulated to everyone who participates in the current process. Boral will formulate selection criteria for the committees and publish an expression of interest which will be widely advertised in the local community. The first meetings are expected to be held in March next year.

The Environment Review Committee guidelines outline who we can have as members and include community representation. It is open to discussion and other feedback. Any changes to production, traffic and so on will go through the meeting. Primarily, the meetings will be about the quarry and the landfill.

A resident asked about the selection criteria and what that will entail.

RMcC replied that Boral will look at what other businesses are doing. PJ confirmed that Boral have guidelines from other organisations.

The EPA noted that Brooklyn's Community Reference Group has evolved and is a very well run forum. Local Government attends, as well as Members of Parliament, Councils and other State Government authorities.

LH added that there is a Barro Quarry Community Liaison committee.

PJ said Boral will also look at other Boral operations which run community forums and will look at best practice.

### **General Business**

A resident raised the issue of the infringement notice received by Boral that afternoon, to which RMcC replied that the notice was issued for a litter event on 31 July, the high wind day that Boral actually closed the Landfill. The EPA added that issuing Penalty Infringement Notices is being devolved back into the regions for timing and efficiency reasons.

A resident asked where they can get a copy of the notice. The EPA said there is usually a media release associated with infringements and was unsure whether the notice itself is a public document or not. It was suggested residents contact the EPA front desk on 1300 EPA VIC or the general email address.

The question was posed as to whether the Committee could be informed in the next week or so about the details of the notice. CB said it is one page with a dollar amount, the date the infringement occurred, where and how to pay. On the back of the notice, legal options are given. Recipients can choose to have the matter reviewed internally by EPA or heard in court, like a speeding fine.

A question was asked whether Boral can make something available in a short email. RMcC said that Boral has to be very careful about what information is and isn't released due to competitive information governed by the Australian Securities and Investments Commission.

PJ closed the meeting at 7.45pm.