

# TAYLORS ROAD 'LYNDHURST' LANDFILL COMMUNITY ENGAGEMENT STEERING COMMITTEE

## **MEETING 10**

5.30 – 9.15pm, Thursday 29 January 2009

Meeting room, SITA Environmental Solutions, Hallam road Landfill,  
Hallam Road, Hampton Park

## **MEETING MINUTES**

*(As confirmed at 11th CESC meeting)*

### **1. Attendees and apologies**

#### **CESC members present**

Tony O'Hara – Hampton Park Progress Association  
Jason Wood – Lynbrook Residents Association  
Ian Jenz – President, Colemans Road Ratepayers Association  
Jim Houlahan – Dandenong Residents and Ratepayers Association  
Thelma Wakelam – Residents Against Toxic Waste in the South East (RATWISE)  
Geraldine Gonsalvez – Community interests in the SE (including RATWISE)  
Cr Lynette Keleher – Councillor, City of Casey  
Cr Yvonne Herring – Councillor, City of Greater Dandenong  
Malcolm Baker – Director, Development Services City of Greater Dandenong  
David Richardson – Manager Engineering and Environmental Services, City of Casey  
Michael O'Keeffe – Post Collection Manager, SITA Environmental Solutions  
Evan Kyriakopoulos – Operations Manager, SITA Environmental Solutions  
Susan Carter – Community Engagement Facilitator, EPA Community & Stakeholder Engagement Unit  
George Tsivoulidis – former Regional Manager, EPA SE Metro Region  
Bruce Turner – Phoenix Facilitation (CESC facilitator)

#### **Visitors (non-members)**

Colin McIntosh – Manager Landfill Centre, EPA  
Renee Deverson – Compliance/EH&S Officer, SITA Environmental Solutions

#### **Apologies/absent**

Laurence Halvy – General Manager, Fresh Start Bakeries, Dandenong South  
Mark D'Agostino – Environmental Health Officer, Department of Human Services  
Andrew Tytherleigh – Executive Officer, Victorian Waste Management Association (VWMA)  
Grant Tishler – Manager, Property and Development, Pellicano Pty Ltd.

Bruce advised that he had spoken to the Department of Planning and Community Development (DPCD) and had been advised that a representative of the Department would be appointed to the CESC. Great concern was expressed by the committee about the delay in response from DPCD particularly as the Minister for Planning is the Responsible (planning) Authority for Taylors Road Landfill. Mal suggested that if a DPCD representative had not been appointed by the next CESC meeting, the CESC should write a formal letter highlighting the importance of having DPCD represented.

George Tsivoulidis advised that he had been relocated within the EPA to the head office at Southbank and that he may not be attending future meetings.

Bruce noted that Alexa Powell from EPA had gone on maternity leave. Susan Carter would be attending the CESC meetings in Alexa's absence.

### **2. Minutes of previous meeting(s)**

It was noted that the finalised Minutes for Meeting 9 had been posted on EPA's website. However, Renee indicated that the reference to 50 groundwater monitoring bores in *Section 4: Taylors Road*

*Licence* third paragraph should be amended to 25. With this change, the minutes were confirmed as an accurate record of the previous full meeting of the CESC.

Bruce noted that the notes of the informal debriefing attended by some CESC members following the Open Day on 10 December had been commented on by members and he had circulated the final version. (These will not be placed on the EPA website as they were not of a full, formal meeting of the CESC).

The group reviewed the actions from meeting 9, with the following still outstanding:

**Action 9.5: EPA to provide advice on the licence amendments and associated decision making process.**

To be covered during tonight's meeting

**Action 9.6: Alexa to coordinate an email from the selection panel to the CESC outlining a proposal for future management of the CESC.**

Email was sent to committee members and discussed briefly at the Open Day debrief; however a way forward was not resolved.

**Action 9.7: Michael O'Keeffe to coordinate the preparation of answers to Jani's questions to SITA following her presentation to the CESC.**

To be completed by SITA prior to next meeting.

### **3. Terms of Reference**

#### **Facilitator appointment**

Bruce sought comments on the new clause (6.1 Appointment of a new facilitator) that he had added to the revised Terms of Reference (ToR) that had been circulated to CESC members. The clause read:

*If for any reason a new independent facilitator is required to be appointed, the selection of the new facilitator will be made by a subcommittee of the CESC that is broadly reflective of the CESC's membership at the time, in consultation with the CESC.*

Tony O'Hara suggested that this wording left open the possibility of there being an unlimited number of applications for the role and didn't indicate how these would be processed. He suggested there should be a requirement to shortlist applicants to a limited number. It was agreed this should be done by the same subcommittee of the CESC that was established to select the new facilitator in consultation with the CESC. It was further agreed that the "broadly representative" subcommittee should include, at a minimum, EPA, SITA, Council and community representatives.

**ACTION 10.1: Bruce to include an explicit reference to EPA, SITA, Council and community representatives in clause 6.1 of the Terms of Reference.**

Thelma highlighted the need for members of the subcommittee to be provided with adequate resources to review the applications.

#### **Meeting venue**

Bruce referred to a minor change to *Clause 8.1* in the ToR to include the new meeting room at Taylors Road as a potential venue for the CESC meetings. However it is expected that generally meetings will still be held at SITA's larger Hallam Road facilities.

#### **CRRA comments**

Bruce referred to comments on the ToR received in the last few days from Helen Russo, Secretary of the Colemans Road Ratepayers Association (CRRA). He circulated copies of his proposed responses to Helen's comments. He noted Helen's key concern was to make it clear that the CESC is not intended to replace the longstanding and ongoing relationship between SITA and Colemans Road residents.

There was discussion of what matters would directly affect residents of Colemans Road that did not impact on the broader community. Bruce said he understood there had been issues such as the use of

Colemans Road as an access road and the sealing of the road which were examples of issues only of concern to the Colemans Road residents. Michael O'Keeffe confirmed there is regular communication between SITA and residents of Colemans Road.

Thelma asked if the CESC could be kept up to date with discussions between the Colemans Road Ratepayers Association (CRRRA) and SITA, for example by providing copies of minutes of meetings. Ian advised that no minutes are taken, but confirmed that any issues raised that would affect the broader community would be reported to the CESC.

Geraldine expressed the view that the role of the CESC should not be to interfere with the Colemans Road residents and their relationship with SITA, but she was concerned that the addition to the ToR from Helen Russo implied that the CRRRA could decide not to disclose matters where there may be a wider community interest. It was agreed that all members of the CESC (including CRRRA representatives) were expected to report any broader community issues to the CESC. This was supported and confirmed by Ian in his role as CRRRA representative.

Mal pointed out that the header on the revised ToR that read "as confirmed by CESC members on 29 January 2009" should be amended to read "as discussed by...". He further suggested that the matters raised in the previous discussion on the new second paragraph of the ToR could be addressed if the wording was revised to read:

*This process complements a long-standing and continuing dialogue between SITA and the closest residents to the landfill in Colemans Road. It is not intended to be a substitute for that long standing relationship with the residents of Colemans Road, as they are the people most directly affected by how the landfill operates. Nor is it intended that matters directly affecting **only** the residents of Colemans Road are matters for consideration by the CESC. ~~unless the residents' representative decides that is appropriate.~~*

These changes were agreed.

**ACTION 10.2: The above second paragraph to be included in the revised TOR.**

In the interests of allowing sufficient time for the main business of the meeting, Bruce asked CESC members to forward any other comments on the revised ToR to him following the meeting, for him to take on board in producing a 'final' version for the next meeting.

**ACTION 10.3: CESC members to forward any other comments on the revised TOR to Bruce before the next CESC meeting.**

### **Conduct of meetings**

Thelma raised the question of whether a public gallery could be allowed at CESC meetings. She referred to a precedent in meetings held for the Tullamarine landfill and said she felt there was sufficient community interest to have one. There were concerns expressed that this may limit the discussions by the CESC. Jason suggested there could be a public gallery for just part of meetings.

There was some agreement that the practice from last year of inviting additional people to attend particular meetings to expand the discussion was worth continuing. Bruce noted that the program of topics for 2009 was on the agenda to be discussed and that the value of inviting non-members to contribute to particular topics could be considered then. He suggested that the question of more open meetings could be revisited again in the future.

(At the end of the meeting, Bruce circulated a proposed list of 'Groundrules' for meeting for discussion at the next meeting.)

## **4. Taylors Road Licence**

A summary table of proposed licence amendments had been forwarded to the CESC for review just prior to the meeting. Colin said the proposed amendments were in line with what had been discussed at previous CESC meetings, including;

- Deleting obsolete and redundant clauses (or parts of clauses) which refer to superseded EPA regulations and dates that had passed;

- Further improve the environmental standards;
- Better reflect current best practice guidelines for landfills;
- Address the ambiguities with the height limit.

Bruce asked Colin to clarify what level of input EPA was seeking from the CESC. Colin reiterated that the main part of the licence EPA was seeking comment on was the height clause (2.40). EPA was only seeking to inform the CESC about the more administrative changes to the licence, but he was still open to discussing these with the group.

A number of the CESC members were concerned that the summary table of proposed amendments was unclear or confusing, particularly in the way new clauses were numbered. Many felt a 'track-change' version of the document would have helped the discussion.

Regarding the deletion of Clauses due to superseded EPA regulations (such as those which refer to wastes accepted prior to 1 July 2007), Colin reported that all EPA licenses are currently being reviewed regarding this matter to create clarity and consistency.

Tony suggested that it would be helpful if the licence explicitly referred to the relevant current specifications that must be complied with, rather than assume the reader would know what these were. He suggested that inclusion of a phrase such as "or as amended by EPA" could ensure that the reference did not become out of date and require another update amendment to the licence.

Yvonne said she did not believe parts of licences or permits should ever be deleted, as it was important to be able to follow the history of the changes to these documents over time. Some others agreed.

Malcolm suggested EPA could provide a separate document that tracked the changes. Colin commented that this would be an extremely large document and difficult to use, since the new amendment would be the 24<sup>th</sup> version of the licence. Evan pointed out that since the licence is used on a daily basis to support the operation of the landfill, it needs to be clear and simple to minimise any confusion.

In response to the above discussion, Tony suggested that archived versions of the old licences be available on the EPA website and/or combined with a table documenting amendments which have occurred over time.

In summary, CESC comments and suggestions on the licence amendments included (as recorded by Bruce on the whiteboard):

- Include explicit cross-reference to relevant specification for landfill cell construction (in clause 1.2)
- There should be a separate document that tracks the changes so the history is not lost – can we avoid deleting clauses?
- Also need current licence to be simple
- New condition 1.6 – SITA requests 24 hr turnaround from EPA for written approval of audit report (on cell construction; signed-off by independent Auditor).
- Liquid and soluble wastes and sludges – how are they handled in the licence? *[NB answer provided after the meeting by SITA – see end of these minutes]*
- There should be a requirement to cover PIW straightaway (after it is placed in a cell) as is the practice with putrescible waste. *[NB response provided after the meeting by SITA – see end of these minutes]*

**ACTION 10.4: EPA to consider the CESC's recommendation that the amended licence be simple and current, supported by a document showing how the licence has changed over time (and also making superseded versions of the licence available on EPA's website).**

**ACTION 10.5: EPA to circulate prior to the next CESC meeting a clearer (e.g. track change) document showing the proposed changes to the Taylors Road licence, including any refinements made in the light of the CESC's discussion of the changes.**

Colin noted that a pre-settlement contour plan had just been provided to EPA by SITA in an effort to address concerns, particularly in relation to drainage from the capped surface. Michael circulated hardcopies of the plan to the CESC and explained that the plan responded to the EPA's concern that the

top was too flat. He said the irregular shape of the new contour plan achieved a cross fall (gradient) of 5% which was required by the Best Practice Environmental Management Guidelines for landfills without adding significantly more soil. The highest point under this design was 31.5 metres. He said a further 4-5 meters of soil would need to be added to achieve the 5% cross fall with a smoother shape. The extra weight of soil would also have the effect of 'surcharging' the landfill, causing greater compaction.

Mal commented that whatever the final plan adopted in the licence, there should be alignment of the licence and planning permit. He said Council would not want to see conflict between the two approvals continued.

Michael indicated that SITA hoped not to construct the design shown on the pre-settlement contour plan he had circulated. He flagged that at some point in the future (not this year) SITA intended to apply for a height increase up to the 35 metres (post-settlement) established by the planning permit. If SITA was successful, it would propose to construct a more conventional profile for the landfill cap. If not, then SITA would construct an irregular shape as per the contour plan circulated at the meeting. It was also noted by Evan and Michael that the existing cap would not be removed, should the need arise to construct the design proposed in the pre-settlement contour plan circulated during the meeting

Jim and Tony expressed concern that seeking a height increase to align with the current planning permit would mean going back to the ambiguity and confusion associated with 'post-settlement' conditions that had been the motivation for clarifying the licence.

Ian wanted to record his objection, on behalf of the Colemans Road Ratepayers Association, to having a greater cross fall on the landfill. He said he was concerned this would lead to more flooding in the surrounding area. He was also very concerned that if SITA was forced to construct to the pre-settlement contour now, and then gained a height increase, the cap would have to be disturbed a second time which meant residents would have to put up with two periods of disturbance (which in the past have caused odour problems).

Colin responded that the proposed height clause did not specify a date, although it may need to in the future. So it was not meant to force SITA to build the final cap profile immediately. Michael pointed out that the landfill is already capped; it is just not shaped to the final 5% cross fall contours.

Jim asked how settlement of the landfill would be addressed in the future management of the site, post-closure. He was told this would be the responsibility of SITA initially, and eventually the authority to which the title will transfer (currently the "Shire of Cranbourne"). David advised that the Casey Council would be considering the issue of eventual ownership of the site at its Council meeting the following week. Jim pointed out that it was important to know what the landfill mound would look like and perform as it settled – so that the future manager knew what they would have to manage in the future, and could minimise any liabilities.

Thelma queried why ratepayers and their Council(s) should be responsible for future management of the site. She and Geraldine agreed that it should be a matter for State Government to address, and recommended that Casey and Dandenong Councils work together to ensure this occurred.

There was discussion of the provisions and financial assurances to cover any problems that might occur after the closure of the site. Thelma asked how the funds for this were managed. Colin and George advised of the financial assurance provisions and the other regulatory requirements that have been made in accordance with the regulations. Colin said that EPA held a bank guarantee. The CESC asked for more information on the bank guarantee and financial assurances to cover the post-closure phase (i.e. how these are calculated etc).

**ACTION 10.6: EPA to provide information to the CESC on post-closure assurances.**

Jim raised the question of whether the pre-settlement contour plan circulated represented a gain of extra airspace by SITA, and a breach of the current licence. He said he would like to see EPA assess the plan to see how likely it was to settle to the 24 metres required in the current licence. Colin reiterated that the wording of the current licence could not be enforced as different experts would give different answers to the question of how much settlement is likely. He said it depended on many factors, including how much moisture was in the waste within the landfill and how much load was placed on top.

Lynette asked if the runoff from the landfill was worth collecting. There was discussion of whether the water would be contaminated. Renee and Colin highlighted the requirements to test the water and report the results in the Annual Monitoring Report.

Other questions raised were:

- Where are the results of monitoring groundwater and leachate? And when will the results of the hydrogeological study be available? Can the CESC see results progressively as parts (of the study) are completed?
- Clarification of what is involved in a site obtaining an accredited licence and what it means for the way a site is managed and monitored. Some members of the committee felt that accreditation may lead to less stringent compliance regulations and enforcement by the EPA. Jim stated that these issues have not been addressed and there needs to be clarification on what licence accreditation involves.

CESC members were invited to send further comments on the licence amendments to EPA via Bruce.

**ACTION 10.7: Bruce to circulate the whiteboard notes from the meeting ASAP and CESC members to provide any additional comments to EPA via Bruce.**

## **5. The CESC in 2009**

Discussion of SITA's draft outline of CESC business for 2009 that had been circulated to the CESC just prior to the meeting was deferred to the next meeting.

### **Next Meetings**

5.30 – 8.30 pm on Thursdays 27 February and 2 April 2009 at Hallam Road Landfill, Hampton Park.

### **Outstanding actions from previous meetings:**

**ACTION 9.7: Michael O'Keeffe to coordinate the preparation of answers to Jani's questions to SITA following her presentation to the CESC.**

### **Consolidated CESC questions and issues from previous meetings:**

(Bruce will prepare a separate 'Issues Tracker' prior to the next meeting)

### **Post-meeting information from SITA (in response to questions raised):**

Liquid and soluble wastes and sludges – how are they handled in the licence?

*Liquids are not accepted. There is a number of EPA documents/regulations/IWMPs /WMPs which are referred to in the EPA licence which are explicit on the prohibition of liquids. Sludges must also comply with USEPA test method 9095A – Paint Liquids Filter Test, which is also referred to in EPA documents referenced in the licence.*

There should be a requirement to cover PIW straightaway (after it is placed in a cell) as is the practice with putrescible waste.

*PIW does not create the amenity issues like putrescible waste does when not covered immediately. Daily cover is applied to PIW at the end of each day.*