

# TAYLORS ROAD 'LYNDHURST' LANDFILL COMMUNITY ENGAGEMENT STEERING COMMITTEE

## MEETING 11

5.30 – 8.30 pm, Thursday 26<sup>th</sup> February 2009

Meeting room, SITA Environmental Solutions, Taylors Road Landfill,  
Taylors Road, Dandenong South

## MEETING MINUTES

*(As confirmed at 12th CESC meeting)*

### 1. Attendees and apologies

#### **CESC members present**

Andrew Tytherleigh – Executive Officer, Victorian Waste Management Association (VWMA)  
Tony O'Hara – Hampton Park Progress 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)  
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 Relations Officer, EPA South Metro Region  
George Tsivoulidis – former Regional Manager, EPA SE Metro Region  
Mark D'Agostino – Environmental Health Officer, Department of Human Services  
Bruce Turner – Phoenix Facilitation (CESC facilitator)

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

Bruce Dawson – Executive Director, Regional Services EPA  
Daniel Fyfe – Victorian State Manager SITA Environmental Solutions  
Renee Deverson – OH&S Compliance Officer, SITA Environmental Solutions

#### **Apologies/absent**

Geraldine Gonsalvez – Community interests in the SE (including RATWISE)  
Laurence Halvy – General Manager, Fresh Start Bakeries, Dandenong South  
Grant Tishler – Manager, Property and Development, Pellicano Pty Ltd.  
Jason Wood – Lynbrook Residents Association  
Cr Lynette Keleher – Councillor, City of Casey  
Cr Yvonne Herring – Councillor, City of Greater Dandenong

Bruce T confirmed that a representative from the Department of Planning and Community Development (Mark Boxer) had been appointed to the CESC and was expected to attend the next meeting in April. Bruce said he had advised DPCD that there were significant planning issues associated with the landfill and that it would be beneficial for Mark to talk with Mal Baker about the background to these.

Tony asked if EPA's replacement for George on the CESC (as a result of George's move from the EPA SE Metro Region to head office) would be at the same level (Regional Manager). Bruce D confirmed that this would be the case and said that the new Regional Manager was still in the process of being appointed.

Bruce T sought comments on the draft Ground Rules that he had circulated to members. These were endorsed without change.

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

The draft minutes were accepted as an accurate record of the previous meeting. Bruce complemented Renee on this achievement, given that she was secretary for the first time at the previous meeting. He noted that Renee will continue to take the minutes on behalf of the CESC with Susan providing back up support and Bruce reviewing the draft minutes before circulating them to the CESC.

The group reviewed the actions from meeting 10, with the following still outstanding for discussion:

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

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

**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.**

### **3. Taking Stock: where we’re at and what we’re here for**

Bruce T provided a presentation outlining the background to the CESC’s formation last year, and progress the CESC has made since that time. It also included a number of challenges and issues which have been raised that could form the scope of the CESC’s discussions in the coming year. Bruce reminded members that the CESC’s role is purely advisory with a key role being to convey any community interests and passing on information to SITA and, likewise, from SITA to the community.

**ACTION 11.1: Bruce to circulate his presentation to all CESC members.**

Bruce T asked Bruce Dawson to recap. the EPA’s intent in helping to establish the CESC. Bruce D commented that community engagement is an essential part of best practice environmental management by any operator whether it is a landfill, mining company or manufacturer. He said EPA expects that companies like SITA have a robust community engagement process to enable any concerns or questions regarding the facility’s operations to be heard. He acknowledged that Taylors Road landfill is SITA’s facility. EPA had brokered the formation of the CESC and would maintain a strong interest and role in it, but ultimately the responsibility for community engagement around its facility rests with SITA.

Jim raised a concern over the suggestion that SITA owns Taylors Road Landfill; he felt that the community ultimately owns it and SITA manages it on their behalf (until it eventually returns to the community). Tony also commented that the current licence does not reflect best practice and has a number of flaws. Bruce D agreed with Tony’s comment.

Thelma asked: what is the point having an accredited licence and how do the community, SITA and EPA benefit? Also has the group received a response from the Department of Sustainability and Environment (DSE) regarding the potential desalination plant wastes?

In relation to the second question, Bruce T confirmed that the CESC did receive a response from DSE which noted the group’s interest in the finding out more about the wastes. DSE indicated that the questions about waste types and disposal could not be answered until the plant design and processes were determined. Daniel advised that the desalination plant design is still currently going through a tender process and that SITA had been approached by two tenderers seeking information on SITA’s prices for disposal of wastes to Taylors Road. He said SITA had provided rates for general waste, and Category B and C prescribed wastes.

Thelma and Tony questioned whether Taylors Road would be able to accept waste such as salt sludge which would be potentially produced by the desalination plant. Thelma further questioned why soluble wastes were taken out of the licence and if the potential salt sludge from the desalination plant would be water soluble. Michael and Evan stated that any prescribed waste would be subject to analysis under the EPA Publication 996 and further confirmed that water soluble wastes are now included in this document. Additional to this, any waste accepted at Taylors Road would need to pass the paint filter liquids test.

Thelma also referred to previous discussions at CESC meetings about the limit of 40% prescribed waste licence (out of the total volume of waste received at the landfill in any six month period = Clause

1.8 in the licence). Michael reminded the CESC that SITA had applied to EPA to temporarily exceed this limit last year due to increases in waste volumes at Taylors Road as a result of the Tullamarine landfill's closure and the increased EPA levies for prescribed waste. Tony recalled that this was presented to the CESC in June 2008. Michael stated that prescribed waste volumes were expected to decrease as a result of the levy increase; however they did not decrease until early 2009. This was the original reason why SITA applied to EPA to have this clause changed and then had to reapply again in November 2008. Michael confirmed that SITA have yet to hear an official response from EPA.

Thelma asked if the amount of Prescribed Industrial Waste (PIW) received at Taylors Road had decreased and if so by how much. Daniel indicated there had been a decrease from December 2008 (~8000 tonnes) to 4000 tonnes received in January. He said this could be due to a lag in the higher price taking effect but could also be due to other factors such as the current global financial crisis. Thelma suggested that these reduced tonnages could provide a false impression of prescribed waste in Victorian industry. Bruce D also confirmed that, in the current financial climate, businesses may find it harder to reduce their waste due to limited access to capital for recycling and waste minimisation projects.

**ACTION 11.2: EPA to provide a summary of the impacts of the increase in waste disposal levies.**

Tony suggested that, to maintain compliance with Clause 1.8, SITA could divert more general waste to Taylors Road Landfill from Hallam Road Landfill. Daniel explained that each site has different operating costs and contracts. Also, if SITA diverted all municipal waste to Taylors Road then it would more quickly reach the point where it would only have airspace for PIW, and would lead to SITA applying for an increase in height for general waste. He said it would be preferable if this did not occur until there was more industry surrounding the landfill and less local residents. George stated that Clause 1.8 doesn't provide much environmental benefit as it related to a time when PIW and general waste were disposed of together, to ensure preference wasn't given to PIW over general waste. Mal reiterated that the City of Greater Dandenong would want to see a public discussion if Clause 1.8 was to be amended or removed from the licence.

Bruce noted that while discussion of the 40% limit ratio was important, it did not form part of the current licence amendment being led by EPA (which was a key focus of the meeting – see next item). He then referred to the accredited licence process which had been mentioned at a number of previous meetings and sought feedback from the CESC as to what further information members needed on the process.

Jim stated his view that a fundamental part of any accredited licensee system is openness of information for the community. He said environmental 'improvement' implied knowledge of the base that we're working from. He said this meant the CESC needed to understand what the baseline data for the landfill is and what the auditors have said about it, before thinking about the question of accreditation.

Bruce T acknowledged that an established base case needed to be communicated to, and understood by, the CESC, and also that the formation of the CESC was one of the fundamental ingredients for SITA to be able to work towards accreditation. Daniel pointed out that accreditation is not an end point to management of Taylors Road, but rather it is a "status issue". He noted that SITA was the first engineered facility, the first ISO certified landfill for OHS and environmental management, and that accreditation would help demonstrate to the community, staff and shareholders that SITA is a "pace setter". He said SITA expected that an accredited licence would be specific to Taylors Road and still fairly detailed (i.e. not as broad as some other accredited licences).

Daniel explained that accreditation means that a facility has to have an Environmental Improvement Plan (EIP) and an Environmental Management System (EMS) in place; demonstrating an intention to upgrade and a commitment to ongoing improvements.

Bruce D stated that from EPA's perspective accreditation means there is already a demonstrated high level of environmental performance, and three key components in place:

- A demonstrated Environmental Management System
- An environmental audit system including an independent auditor
- A public commitment to improvement (through an EIP).

Bruce D further highlighted to the CESC that an accredited licence is not scope for any company to self regulate. Bruce also said EPA would not vary the licence without at least talking to the CESC about it first.

Daniel advised that SITA had first submitted an accredited licensee application to EPA three years ago. He said he believed it could take another 18 months to 2 years to gain accredited licensee status and that this would involve the CESC members gaining more confidence around the Environmental Management System, monitoring and improvements at the landfill. He said SITA would fill in information to the group until members were satisfied.

Bruce D responded to Thelma's earlier question about the benefits of SITA becoming an accredited licensee and said that the key benefit to the EPA (and Victoria) is better environmental performance. He said the Environment Improvement Plan (EIP) would establish the 'base case' that Jim had referred to earlier, as well as key measures to move forward. Jim said one issue that concerned him was the potential impacts of the Selwyn Fault which he understood was in the vicinity of the landfill (this issue was added to the consolidated list of CESC questions and issues when it was reviewed later in the meeting). Bruce D commented that it would be helpful for EPA and SITA to know the full range of questions and issues that the CESC was interested in upfront, rather than having new issues come up at each meeting.

Ian said he saw accreditation and the development of an EIP as protection for the community; both the locals in Colemans Road and the wider community. He commented that he felt that the CESC was not moving forward and that there had been too much discussion around issues such as height. He stated that he is living with the landfill directly on his door step and would like to be sure the waste cells are working properly and to see the general waste cells filled as quickly as possible. He also thought Prescribed Industrial Waste should be able to come in at whatever rate the market determined.

Bruce T summarised the discussion. It was generally agreed that the CESC had been bogging down and repeating some of its discussions and that it was time to move forward and address the many topics that CESC members had identified they wanted to explore, and to participate in the development of an EIP for the landfill. Bruce T commented that this was a significant milestone in the life of the group; establishing a clear desire to get questions (about the operation and impact of the landfill) on the table and have them answered by relevant experts.

#### **Revised Terms of Reference (ToR)**

Bruce confirmed that he had received comments since the last meeting and also made changes as suggested and that the revised version had been circulated to the CESC. It was generally agreed that the ToR were ready to be signed at the next meeting.

Thelma said she would like to see members of the wider community involved in particular meetings where they had a relevant interest or a contribution to make. She said it is currently difficult to advise and organise community members at late notice to attend specific meetings. Bruce welcomed the comment and explained this was one of the reasons for the CESC resolving the scope of its discussions for 2009 (Agenda Item 5 at this meeting) so that everyone was clear about what the CESC was trying to cover.

#### **4. Towards a clearer licence**

Bruce T referred to the previous CESC meeting and the EPA document with proposed licence changes that was forwarded to group by EPA. He reflected that the discussions of the proposed changes at the last meeting had been frustrating, partly because of the way they had been presented. Tony requested clarification from EPA as to what the CESC's role is and to what depth of involvement they have in this review.

Bruce D said there was a lot that could be done to make the current licence clearer to meet community, Council and SITA's expectations. He said there had been many amendments which had added to the licence over the 18 years of its operation and it needed streamlining. He said the improvements were needed irrespective of whether SITA achieves accreditation.

Bruce D confirmed that EPA would not make any changes to the licence without first informing the CESC and taking on board its comments. He said there was limited scope for wider consultation in this particular case as EPA is not required to consult on this type of administrative 'clean up' amendment. However, Bruce D acknowledged that, as a regulator, EPA needs to be clear and open to discussions, and that this reflected best practice. He said if there were to be any significant change to

the licence requested by SITA it would be open to wider consultation and comment (through a formal submission process).

Bruce D outlined the key elements of the current proposed licence amendment:

- Changing the height conditions to establish pre-settlement contours and remove frustration over the existing ambiguous wording
- Including new requirements for a landfill gas audit which is being undertaken State-wide, and additional monitoring requirements
- A number of administrative amendments (removing references to dates that have passed, superceded policies or guidelines etc).

Bruce D committed EPA to providing a copy of the proposed licence changes as 'track changes' to the CESC, mainly for information but EPA was happy to take any comments that CESC members wanted to provide. Daniel said he did not see the CESC's role as one of "workshopping" the licence, but that there was an opportunity to comment. He confirmed that SITA wants clarity as much as the community does.

Mal asked if consultation regarding the height clause would be formal or informal. Bruce D confirmed that while the process was not a formal, statutory consultation, the Councils would certainly be contacted.

Tony reiterated the comment he made at the previous meeting that it would be helpful and important for the amended licence to cross-reference any specifications that were intended to replace licence clauses that were to be deleted.

Ian expressed concern that the residents of Colemans Road's interests are being pushed aside for other people's personal agendas. Bruce T reminded Ian that the CESC's Terms of Reference were designed to ensure that the relationship that Colemans Road residents have with SITA, and the CESC process can co-exist. The other community representatives present (Thelma, Tony and Jim) all expressed a desire to have Ian stay on the CESC and said they would be disappointed if he left as he brings a unique perspective to the group which is of enormous value.

In summing up, Bruce D acknowledged that EPA hadn't amended the licence in a good, clear way in the past. He reiterated that while the Environment Protection Act does not require consultation on the more administrative amendments, best practice demands a better process now. He committed EPA to not changing the licence without, at a minimum, first communicating with the CESC.

There was further discussion of the height clause. Mal confirmed that there needed to be clarity around the height and that a pre-settlement plan provided this clarity. However, he also advocated for the licence and planning permit to be consistent. Tony agreed but commented that without an alternative facility to replace Taylors Road, the Government would have little option but to allow SITA to increase the height. He asked what EPA's future plans entailed beyond the life of Taylors Road Landfill. Bruce D pointed out that EPA is the regulator, not the planner or leader of the search for alternatives. Andrew referred to the requirement for a works approval and public process if the height increase were to occur.

Tony suggested that EPA should have a responsibility in this area as he believed this will be potentially a massive issue in the future. He said it was hard to believe that there will be zero Category B waste by 2020. Thelma agreed with Tony's comments and felt that EPA should be taking more involvement. Bruce D further clarified EPA's role is to make sure that government policy targets are reached. In regards to what is going to happen in the future, EPA can advise but is not a decision-making body.

There was discussion of the role of the CESC and whether it was appropriate for the group to write to Government about this issue. Andrew and Bruce T commented that the State policy on PIW is beyond the scope of the Taylors Road CESC's role; however, anyone is welcome to lobby government through their own networks or organisations. Daniel confirmed that SITA as a member of CESC wouldn't be comfortable with the CESC for its landfill lobbying Government on the future of waste management. He pointed out that the CESC's role is focused on the performance of and improvements at Taylors Road Landfill.

Ian said he was concerned that SITA is not forced to install the final cap to meet a pre-settlement contour plan which would have to be removed if a height extension was permitted. He said this would significantly impact on the residents of Colemans Road. Bruce D advised that the EPA would prefer not to have too many delays in SITA installing final capping systems to ensure odours and

greenhouse gas emissions are managed. George further clarified that Ian was referring to the installation of topsoils on the intermediate cap (which is already in place) to meet the 5% cross fall and contouring.

Bruce T asked if EPA had formed a view of SITA's contour plan aimed at achieving the required 5% cross fall (for drainage of stormwater). George and Bruce D said the plan was still being reviewed and that when the amended licence is circulated to the CESC it will include a preferred contour plan. Bruce D confirmed that CESC members would be free to share the information on the proposed licence amendments with their groups and networks. He said this was consistent with CESC members' role as a conduit for two-way information flow with the community.

**ACTION 11.3: EPA to provide a track change version of the proposed licence amendments, with a pre-settlement contour plan, to the CESC.**

Thelma asked why the "no water soluble waste" clause was removed from licence. Evan stated that soluble wastes are considered Category A and so are prohibited. Thelma pointed out that salts are water soluble and yet the licence says that Taylors Road is licensed to accept these. Evan confirmed that all prescribed wastes have ASLP (leachability) requirements under the current regulations and there are many types of salts. Bruce D referred to the hazard classification system and that the licence refers directly to this document. Thelma referred to her previous question regarding potential salt sludge waste from the desalination plant. Bruce D referred to previous discussion that this will have to meet the criteria set out in SITA's licence and EPA regulations. Daniel stated that additional to these requirements, SITA's trade waste agreement for treated leachate discharge with South East Water has restrictions and charges associated with salt levels in discharges.

## **5. The Potential Scope of 2009**

Bruce T referred to the 'Consolidated questions, issues and opportunities for discussion' which he had circulated to members. He said this drew together the original list of questions and issues generated at the first CESC meeting in April 2008, subsequent additions and the draft potential scope for 2009 developed by SITA issued at the last meeting. The CESC then worked through the list and refined it (see separate table).

Bruce T sought confirmation that it was still possible to have independent auditor Roger Parker of Golder Associates at a future meeting to discuss liner integrity and the cell construction audit progress. It was also suggested that Roger could be asked to comment on the potential issues associated with the Selwyn Fault. Daniel confirmed that this would be possible.

## **6. Community Update**

There were no updates.

## **7. Communications**

There was nothing to report.

## **8. Other Business**

### *Landfill gas assessment*

This topic was briefly discussed after CESC members had been circulated, following the last meeting, with information on the assessment of Victorian landfills that had been undertaken by EPA following the methane leak at Stevensons Road landfill.

Bruce D advised that all necessary works have been or are currently being undertaken at Taylors Road and these will be included in the licence changes.

### *Residual Transfer Agreement*

David provided a brief update regarding the future ownership of Taylors Road after all financial assurances have been returned and the site has been rehabilitated to EPA's requirements. City of Casey (CoC) has a transfer agreement which it gained as the a result of the amalgamation of the Shire of Cranbourne as part of the CoC . This means that CoC is the legal successor of Taylors Road after the end of its aftercare period even though the landfill is in the City of Greater Dandenong. A report regarding this issue went to council and was open to the public for review in February however

it has been deferred to a Council briefing. SITA has recommended that CoC seeks to extinguish the transfer agreement so that the landfill would revert to the State.

#### *Post-closure assurances*

Bruce T reminded the CESC of the questions and concerns that had arisen at the previous meeting about financial assurances to ensure that once Taylors Road is closed that the community won't incur significant ongoing management costs.

Bruce D advised that SITA's licence includes conditions for site rehabilitation. Once the landfill ceases operation, EPA will issue a Pollution Abatement Notice (PAN) which sets out the requirements for ongoing management. This is to ensure that the landfill won't become a long term liability. In addition, SITA is required to hold a financial assurance which is in the form of a bank guarantee held by EPA, which is a provision in case SITA collapses and does not have the resources to rehabilitate the site. This remains in place until EPA is completely satisfied that there won't be any management problems.

Thelma asked how the financial assurance is calculated and if it is revised. Bruce D advised that it is reviewed every five years or, when there are any significant changes, EPA can trigger a review at any time. Daniel advised that SITA can request to review it as well and that the amount is determined by a risk assessment and modelling process. Thelma further asked if the amount of the financial assurance could be made public. Bruce Dawson and Daniel confirmed that they do not have the figures readily available as there are issues around commercial-in-confidence, competition and legal constraints. However EPA Publication 777 details the methodology of how financial assurances are calculated. Daniel further advised that Taylors Roads financial assurance was calculated by an external consultant (Golder Associates) which used the methodology as outlined in the publication. He also further advised that as well as this, SITA has their own financial provisions for future management and advised that when Taylors Road first opened, provisions were to cover 15 years after closure; this has now extended to 50 years. Jim sought confirmation that the 50 year aftercare period was a SITA requirement and not an EPA requirement. Daniel confirmed this.

Bruce D said the considerations involved in calculating the financial assurance include: rehabilitation, capping contours, remediation, aftercare, monitoring, leachate disposal, and gas collection.

There was discussion as to whether it would be possible to reveal the amount of the financial assurance for Taylors Road.

**ACTION 11.4: Bruce Dawson to consider and seek advice on whether it is possible to provide more details of the financial assurance for Taylors Road Landfill.**

## **9. Next Meetings**

5.30pm, Thursday 2 April 2009 and Thursday 21 May 2009 at Taylors Road Landfill.

It was agreed that it would be preferable to have Anthony Lane present at the April meeting on the groundwater auditing that has been undertaken at Taylors Road. Bruce D suggested that this would enable the CESC to focus on how the landfill was performing which is its key focus.

It was also confirmed that the revised Terms of Reference would be available at the April meeting for signing by members of the CESC.