



ENVIRONMENT PROTECTION NOTICE No. 11153/1

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

Issued to: **JENKINS HIRE PTY LTD**
ACN 050 205 671
21 SALMON PONDS ROAD
PLENTY TAS 7140

Environmentally **The operation of composting site (ACTIVITY TYPE: Resource Recovery)**
Relevant **BRIGHTSIDES, 47 PLENTY VALLEY ROAD**
Activity: **SALMON PONDS TAS 7140**

GROUND

I, Wes Ford, Director, Environment Protection Authority, being satisfied in accordance with section 44(1)(e) of the *Environmental Management and Pollution Control Act 1994* (EMPCA) that in relation to the above-mentioned environmentally relevant activity that it is necessary to secure compliance with the general environmental duty hereby issue this environment protection notice to the above-mentioned person as the person responsible for the activity.

PARTICULARS

The particulars of the grounds upon which this notice is issued are:

- 1 Jenkins Hire Pty Ltd (ACN 050 205 671)("Jenkins") is responsible for the activity that has not complied with the General Environmental Duty.
- 2 Pollutants emitted to the air resulting in offensive odours have caused repeated incidents of environmental nuisance, and are likely to cause further environmental nuisance.
- 3 Between 1 January 2022 and 8 April 2022 more than 19 odour complaints about the composting activity on The Land, have been received from community members.
- 4 During site inspections conducted by Authorized Officers on 27 January 2022, and on 4 February 2022, in response to odour complaints, a significant stockpile consisting of a mixture of liquid controlled wastes and biomass as well as large stockpiles of biosolids were observed. These stockpiles were not correctly windrowed and it is highly likely that they contributed to the odour emissions, causing the community complaints.
- 5 Offensive odours have been emitted from organic stockpiles and carried by prevailing winds and natural airflow beyond the boundaries of The Land, causing multiple odour complaints further than 1.5 kilometers from The Land.
- 6 Action needs to be taken to stop the emission of offensive odours that cause environmental nuisance by eliminating the stockpiles of waste and conducting the composting activity in a manner consistent with best practice environmental management.

- 7** Liquid wastes that are not incorporated with sufficient dry material, allow anaerobic conditions to develop, and are likely to generate offensive odours.
- 8** Waste from finfish farming production and processing activities have a very high potential to be odorous and have been the cause of numerous odour complaints.

DEFINITIONS

Unless the contrary appears, words and expressions used in this Notice have the meaning given to them in Schedule 1 of this Notice and in the EMPCA. If there is any inconsistency between a definition in the EMPCA and a definition in this Notice, the EMPCA prevails to the extent of the inconsistency.

REQUIREMENTS

The person responsible for the activity must comply with the conditions as set out in Schedule 2 of this Notice.

INFORMATION

Attention is drawn to **Schedule 3**, which contains important additional information.

PENALTIES

If a person bound by an environment protection notice contravenes a requirement of the notice, that person is guilty of an offence and is liable on summary conviction to a penalty not exceeding 1000 penalty units in the case of a body corporate or 500 penalty units in any other case (at the time of issuance of this Notice one penalty unit is equal to \$173.00).

NOTICE TAKES EFFECT

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

APPEAL RIGHTS

You may appeal to the Appeal Tribunal against this notice, or against any requirement contained in this notice, within fourteen days from the date on which the notice is served. The Appeal Tribunal contact details are:

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

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



Signed: _____

DIRECTOR, ENVIRONMENT PROTECTION AUTHORITY

Date: _____

14 April 2022

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Schedule 1: Definitions

Activity means any environmentally relevant activity (as defined in Section 3 of EMPCA) to which this document relates, and includes more than one such activity.

Authorized Officer means an authorized officer under section 20 of EMPCA.

Biosolids means sewage sludge that has been extracted from a wastewater treatment plant and stabilised for beneficial reuse.

Controlled Waste has the meaning described in Section 3(1) of EMPCA.

Director means the Director, Environment Protection Authority holding office under Section 18 of EMPCA and includes a delegate or person authorised in writing by the Director to exercise a power or function on the Director's behalf.

EMPCA means the *Environmental Management and Pollution Control Act 1994*.

Environmental Harm and **Material Environmental Harm** and **Serious Environmental Harm** each have the meanings ascribed to them in Section 5 of EMPCA.

Environmental Nuisance and **Pollutant** each have the meanings ascribed to them in Section 3(1) of EMPCA.

Finfish has the meaning ascribed to it in Section 3(1) of EMPCA

General Environmental Duty has the meaning ascribed to it in Section 23A of EMPCA

Liquid Waste means any waste that is in liquid form or is substantially comprised of free liquids or is not spadeable (able to be lifted and moved in heaps with a spade).

Person Responsible is any person who is or was responsible for the environmentally relevant activity to which this document relates and includes the officers, employees, contractors, joint venture partners and agents of that person, and includes a body corporate.

Rookwood hatchery sludge is the waste sludge from the Rookwood Road Inland Fish Farm wastewater treatment system, consisting of solids from the recirculation system, fish faeces, uneaten fish pellets and other solids.

The Land means the land on which the activity to which this document relates may be carried out, and includes: buildings and other structures permanently fixed to the land, any part of the land covered with water, and any water covering the land. The Land falls within the area defined by:

- 1 Attachment 1

Waste has the meaning ascribed to it in Section 3(1) of EMPCA.

Schedule 2: Conditions

General

G1 Access to and awareness of conditions and associated documents

A copy of these conditions and any associated documents referred to in these conditions must be held in a location that is known to and accessible to the person responsible for the activity. The person responsible for the activity must ensure that all persons who are responsible for undertaking work on The Land, including contractors and sub-contractors, are familiar with these conditions to the extent relevant to their work.

G2 Restrictions on waste receipt

- 1** Unless otherwise approved in writing by the Director, the following may not be received on The Land for any purpose:
 - 1.1** Wastes derived from finfish production and processing activities, excluding Rookwood hatchery sludge; and
 - 1.2** All other liquid wastes.
- 2** The Director, in forming a view on whether to allow the receipt of wastes derived from finfish production and processing activities, will consider the submission of an Odour Management Plan, history of compliance with the general environmental duty, and any other factors or information considered relevant.
- 3** The Director, in forming a view on whether to allow the receipt of other liquid waste will consider the following:
 - 3.1** The infrastructure and processes required to incorporate liquids into windrows on the day of receipt;
 - 3.2** The history of compliance with the general environmental duty; and
 - 3.3** Any other factors or information considered relevant.

Schedule 3: Information

Legal Obligations

LO1 EMPCA

The activity must be conducted in accordance with the requirements of the *Environmental Management and Pollution Control Act 1994* and Regulations thereunder. The conditions of this document must not be construed as an exemption from any of those requirements.

LO2 Change of responsibility

If the person responsible for the activity ceases to be responsible for the activity, they must notify the Director in accordance with Section 45 of the EMPCA.

Other Information

OI1 Notification of incidents under section 32 of EMPCA

Where a person is required by section 32 of EMPCA to notify the Director of the release of a pollutant, the Director can be notified by telephoning **1800 005 171** (a 24-hour emergency telephone number).

OI2 Fees payable

Under the provisions of the EMPCA and Regulations thereunder, the Director may require the person on whom this Notice is served to pay reasonable costs and expenses for the issuing of the Notice, making any amendments to the Notice and for ensuring compliance with the Notice.

Attachment 1: Map Plenty Composting

