

**BOARD OF THE
ENVIRONMENT PROTECTION AUTHORITY**

TO: THE CHAIR AND MEMBERS

Minutes of Meeting No 166
13 September 2005 - 1.00 pm
Boardroom, 7/77 Grenfell Street
Adelaide

1.1 MEETING OPENED

The meeting was opened at 1.10 pm by the Chair.

1.2 PRESENT

Dr Paul Vogel (Chair)
Ms Megan Dyson (Member)
Mr Mike Elliott (Member)
Ms Ann Shaw Rungie (Member)
Mr Vic Farrington (Member)

Ms Corinne Kelly (Secretary to the Board)
Ms Monica Stasiak (A/Executive Officer to the Board)

1.3 APOLOGIES

Mr Andrew Fletcher (Member)
Mr Stephen Hains (Member)
Mr Allan Holmes (Member)

1.4 DECLARATIONS OF INTEREST

Due to his employment, Mr Farrington declared an interest in matters relating to the SA Radioactive Waste Interim Store, the Adelaide City Council Wingfield landfill and the EPA licence fee review.

2.1 CONFIRMATION OF MINUTES OF THE PREVIOUS MEETING

Following discussion the Board resolved that:

the Minutes of the meeting held on 9 August 2005, subject to the following amendment, be taken as read and confirmed:

- *page 1, agenda item 1.4, Declaration of Interest, include: "Due to their employment, Mr Farrington and Ms Shaw Rungie declared an interest in matters relating to Olympic Dam".*

Carried

Minutes to be signed by Dr Vogel.

A copy of the Minutes of Meeting No 165 to be sent to the Minister for Environment and Conservation.

Action: Ms C Kelly

2.2 DRAFT COMMUNIQUE

Following discussion the Board resolved to:

approve the draft communique.

Carried

Action: Ms M Stasiak

3. ACTIONS ARISING FROM PREVIOUS MINUTES, EMERGING/STRATEGIC ISSUES AND FORWARD AGENDA

Actions Arising from Previous Minutes

The Board asked that items which have been progressed but are not complete, should not be shaded.

It was agreed that a breakfast forum with the waste industry should be deferred to late October 2005.

This section has been removed pursuant to Board policy and/or legal requirements in relation to confidentiality. Criteria used for determining confidentiality can be viewed at www.epa.sa.gov.au/boardminutes

Following discussion on the invitation for other Board representatives to attend EPA Board meetings, it was decided that the Chair, in turn, should make himself available to attend meetings of other Boards.

Action: Dr P Vogel

Forward Agenda

The Chair noted that there are a large number of items listed for the October meeting and asked that matters requested by the Board at this meeting and forward agenda items be prioritised.

4. REPORTS

4(i) Chair

(a) Letter to MPs - briefing pack - noted.

(b) Draft Communique - Board resolutions 9/8/05 and 8/3/95

The Board resolved that when the Board Minutes are sent to the Minister, that a copy of the communique be included. The Minister to be advised that the communiques are released within one month of the Board meeting, following review by the Manager of Media and Corporate Affairs prior to its release.

Action: Ms C Kelly

(c) EPA Strategic Plan

The Chair advised that the EPA Strategic Plan is now available on the EPA's web site.

(d) ION (Castalloy)

The Chair advised that a Deed of Settlement was executed by parties on 30 August 2005. Castalloy agreed to meet the EPA odour standard of 2 odour units at the boundary by June 2006 and to meet the EPA noise standard of 50dBA night time/58dBA daytime noise maximum noise levels also by June 2006. The EPA issued Castalloy with a 10 year licence and agreed that compliance with the odour and noise conditions would satisfy the general environmental duty in respect of odour and noise for a 10 year period. The EPA has a right of review including right to vary or impose new conditions of licence triennially or at any time where the EPA is satisfied there has been a breach of the general environmental duty. The new licence commenced on 1 September 2005.

The Chair advised that a paper on Castalloy will be prepared for the 18 October 2005 meeting.

Action: Mr J Bruce

(e) OneSteel

The Chair advised that the OneSteel Indenture Bill will soon be introduced into Parliament.

This section has been removed pursuant to Board policy and/or legal requirements in relation to confidentiality. Criteria used for determining confidentiality can be viewed at www.epa.sa.gov.au/boardminutes

4(ii) Members

This section has been removed pursuant to Board policy and/or legal requirements in relation to confidentiality. Criteria used for determining confidentiality can be viewed at www.epa.sa.gov.au/boardminutes

(b) Chief Executive Performance Reporting

Ms Shaw Rungie provided an update on behalf of the Working Group. A preliminary outline of the framework for assessing the process was being developed and discussions with Dr Vogel will take place in the next month.

The CE and EPA staff left the meeting during the discussions.

(c) EPA Divisional meetings

Mr Farrington advised that he attended a number of EPA Divisional meetings, as had Ms Dyson and Mr Elliott.

Mr Farrington was particularly impressed with the Monitoring and Evaluation Divisional meeting: eye catching posters were on display and there were interesting presentations and discussions. He suggested that Dr Cugley be invited to make a short presentation to the Board on each of the major projects in his Division.

Action: Dr J Cugley

This section has been removed pursuant to Board policy and/or legal requirements in relation to confidentiality. Criteria used for determining confidentiality can be viewed at www.epa.sa.gov.au/boardminutes

Mr M Harvey, Deputy CE and Mr S Sergi, Adviser Hazardous Waste, entered the meeting at 2.42 pm.

5. DECISION ITEMS

Strategic Risk Management

5(i) Draft Hazardous Waste Strategy

Following discussion the Board resolved to:

- (i) *endorse the strategic directions of the Draft Hazardous Waste Strategy, subject to:*
 - *editing the document to ensure that it has longevity (eg removing date references and making the information on the strategic directions of other jurisdictions an attachment that can be updated);*
 - *prioritising the action items identified in the Strategy;*
- (ii) *endorse the release of the Draft Hazardous Waste Strategy for public consultation for up to three months.*

Carried

Action: Mr S Sergi

Mr Sergi left the meeting at 2.53 pm.

5(ii) Allocation of funds arising from prosecutions and other penalties

Following discussion the Board resolved to:

- (i) *adopt the approach outlined in the paper to allocate penalties, namely:*
 - *that Option 1 is used as a default;*
 - *that Option 2 is used on an exceptional and case by case basis, and the decision on the method of allocation of funds is to be determined by the Board;*
 - *to ensure that monies allocated cannot be used in the current financial year;*
- (ii) *request that this approach be developed as an EPA Board policy;*
- (iii) *include a section in the 05/06 Annual Report, alongside provisions on the use of the Environment Protection Fund, that explains the policy on application of funds.*

Carried

Action: Mr M Harvey/Ms C Watkins

7(vi) Implementation of Long Term Licences

Following discussion the Board resolved to:

- (i) *note the implementation plan for the introduction of default five year licences, with an ability to request up to a ten year licence;*
- (ii) *request that licensees be informed of the Board's decision as a matter of priority and advising that further detail of the proposal and its implementation will occur early 2006;*
- (iii) *request that the Manager of Media and Corporate Affairs prepare a media release following the licensees receiving the above advice.*

Carried

Action: Mr M Harvey
Mr T Clark

Mr Harvey left the meeting at 3.12 pm.

Corporate Policy

5(v) Code of Practice for Environmentally Responsible Pesticide Use

Following discussion the Board resolved to:

- (i) *not release the document as a Code of Practice but rather as a Guideline;*

[This section has been removed pursuant to Board policy and/or legal requirements in relation to confidentiality. Criteria used for determining confidentiality can be viewed at www.epa.sa.gov.au/boardminutes](http://www.epa.sa.gov.au/boardminutes)

- (iii) *endorse the release of the Guideline for Environmentally Responsible Pesticide Use, subject to the amendments suggested by Board members.*

Carried

Action: Dr J Cugley

Mr T Circelli, Director, Policy Coordination and Strategic Services Division and Ms C Watkins, Manager Strategic Services entered the meeting at 3.35 pm.

5(iii) EPA 2005 Round-table Report

Following discussion the Board resolved to:

- (i) delegate the responsibility of final approval of public release of the EPA 2005 Round-table report to the Chief Executive;*
- (ii) endorse the communication strategy for the final document.*

Carried

Action: Ms C Watkins

5(iv) EPA Annual Report 2005

Following discussion the Board resolved to:

- (i) consider and provide any comments on the attached draft EPA Annual Report 2004-05 to the Board Secretary by cob, 16 September 2005;*
- (ii) note that the final Parliamentary report will be finalised and provided to the Minister by 30 September 2005;*
- (iii) note that a public version of the document will be subsequently prepared to include the Annual Report of the Radiation Protection and Control Act 1982.*

Carried

Action: Ms C Watkins

5(vi) EPA Position Statement - the role of the EPA in attaining Sustainability - consultation

Following discussion the Board resolved to:

- (i) note the summary of submissions received, and the proposed amendments to, the Statement;*

- (ii) *request that a final draft of the Statement be provided to members, including comments made by members, and a copy of the Department for Water, Land, Conservation and Biodiversity's response;*
- (iii) *delegate to the Chair of the Board the final approval for the release of the Statement once all comments have been received and considered;*
- (iv) *endorse the communication strategy for the release of the final document;*
- (v) *note that all respondents will be sent an acknowledgment of their submission and a summary of changes made to the Statement;*
- (vi) *review, develop and finalise a Statement by the end of the current financial year on the issue of precaution and how it is used by the EPA in its regulatory decision making and policy development functions.*

Carried

Action: Mr T Circelli/Ms C Watkins

Ms Watkins left the meeting at 3.50 pm.

5(vii) Proposed process for preparing the 2008 State of the Environment Report for South Australia

Following discussion the Board resolved to:

- (i) *make the following amendments to the governance and reporting arrangements for the 2008 State of the Environment (SoE) Report for South Australia namely:*
 - *remove Agency CEs from the Executive Steering Committee (to ensure the independence of the SoE Report);*
 - *include an NRM Council and private sector representative on the Executive Steering Committee;*
 - *note that an Advisory Committee is not required;*
 - *ensure that CEs provide sign off to Agency chapters;*
 - *develop a writing team from the Project Team;*

- *that the activities and milestones in the period January-December 2007 require more detail, setting out dates for the steps in delivery of documentation (eg input by Departments for review, comment back to Departments, revised input etc), to ensure that the deadlines are clear;*
- (ii) *note the proposed engagement process for the 2008 SoE Report;*
- (iii) *note the SoE Report's proposed objectives, target audience, major milestones and recent national SoE reporting developments;*
- (iv) *note that options for Project Management responsibility and the provision of funding for staff and report production costs are outstanding issues that will be advised in a subsequent paper;*
- (v) *request an agenda paper, for the December 2005 meeting, that includes the re-drafting of governance arrangements and Table 2, taking account the Board's decision and discussions.*

Carried

Action: Mr T Circelli
Ms C Nicolson

Performance Monitoring and Accountability

5(viii) Delegations under the *Environment Protection Act 1993*

Following discussion the Board resolved to:

- (i) *revoke the previous delegation instrument dated 14 May 2003;*
- (ii) *delegate its powers and functions in accordance with section 115 of the Act as provided in the new instrument tabled at this meeting of the Board;*
- (iii) *note that the delegation instrument in the future will be updated at the meeting of the Board where a particular resolution relating to amendment of the instrument has been made;*
- (iv) *note that a paper will be provided to the Board for discussion at its October 2005 meeting relating to the scope and timing for a more substantial review of delegations.*

Carried

Action: Mr T Circelli/Mr P Watters

Mr Circelli left the meeting at 4.36 pm.

6. DISCUSSION ITEMS

Performance Monitoring and Accountability

6(i) Board planning/review session November 2005

Following discussion the Board resolved to:

- (i) *note the intention to discuss issues arising and status of the EPA's Culture Change and Performance Improvement Program (CCAPIP) at its November 2005 meeting;*
- (ii) *other key areas it wishes to discuss at its November 2005 planning/review session are:*
 - *governance - What is the Board's position on CE as a Chair;*
 - *organisational culture: Moving to more collaborative/solution-driven models - regulation to innovation;*
 - *delegations under the Environment Protection Act 1993;*
 - *assessing the performance of the Strategic Plan and its alignment with the CCAPIP;*
 - *the performance of the Board;*
 - *CE Performance Reporting update;*
- (iii) *note the intention to undertake a strategic planning and review session early in 2006.*

Carried

Action: Ms N Popovic

6(ii) Culture Change and Performance Improvement Program

Following discussion the Board resolved to:

- (i) *note the activities achieved to date;*
- (ii) *note the major activities programmed for the following four month period;*
- (iii) *request a copy of the CE's presentation to EPA staff on 29 August 2005.*

Carried

Action: Mr P Duldig

Strategic Risk Management

6(iii) Tackling Climate Change: South Australia's Greenhouse Strategy

Following discussion the Board resolved to:

- (i) *note that the EPA has provided a briefing to the Minister for Environment and Conservation, suggesting methods to implement greenhouse/energy reporting in South Australia, similar to the Victorian EPA's Protocol for Environmental Management: Greenhouse Gas Emissions and Energy Efficiency in Industry;*
- (ii) *request information on the number of South Australian industries (and who they are) that would currently be captured in the categorisation of licence holders and applicants on the basis of the level of energy use and/or CO₂-equivalent emissions per annum¹ (Victorian EPA's Protocol, pages 2 and 3, paragraph 1.4.3);*
- (iii) *note the recent activities of the Joint EPHC/Ministerial Council on Energy Working Group to establish a national framework for greenhouse/energy reporting; and*
- (iv) *note that it has a role in implementing South Australia's Greenhouse Strategy and the important role of the Environmental Impact Assessment process for new industrial development.*

Carried

Action: Mr T Whitworth

¹ Licence holders can be categorised according to their level of energy consumption (in gigajoules) or CO₂ –equivalent emissions from energy consumption.

7. NOTING ITEMS

Performance Monitoring and Accountability

7(i) Financial Performance Reports for period ending July 2005

Following discussion the Board resolved to:

- (i) *note the financial performance of the EPA as at the end of July 2005;*
- (ii) *note that given it is early in the financial year, end of year forecasts have not been incorporated at this stage. It is intended to commence the forecasting process for reporting as at September.*

Carried

7(ii) Radiation Protection Division Progress Report

Following discussion the Board resolved to:

note the Radiation Protection Division August 2005 progress report.

Carried

7(iii) Progress Report on the development of Environment Protection Policies and other legislation under review

Following discussion the Board resolved to:

note the report outlining the status of current Environment Protection Policies and legislation under review by the EPA.

Carried

Strategic Risk Management

- 7(iv) Review of EPA comments on Development Plan Amendments and take up of that advice

Following discussion the Board resolved to:

- (i) *note the extent to which EPA comments on Statements of Intent and Plan Amendment Reports are implemented;*
- (ii) *request a further report that provides clear criteria including ensuring that the language used in the comments reflects their status as either critical or advisory.*

Carried

Action: Mr P Torr
Mr A Ward

- 7(v) Water Quality in the Mount Lofty Ranges Watershed - Progress of Mount Lofty Ranges Water Resources Coordinating Committee

Following discussion the Board resolved to:

note the progress of the Mount Lofty Water Resources Coordinating Committee.

Carried

Dr Vogel agreed to provide members with a copy of the comment from the MLWRCC to the Outer Metro Planning Strategy review. He also agreed to follow up why the 'vision' for the MLWRCC did not appear to have changed since the discussions of the Committee when it met with Board members in June 2005.

Action: Dr J Cugley

8. MATTERS DEALT WITH OUT OF SESSION

- 8(i) Roofing of bunded areas

The Board formally resolved to:

note the report.

Carried

9. CORRESPONDENCE

- (i) Outgoing - Monsignor David Cappo, Chair, Social Inclusion Board, inviting him to an upcoming EPA Board meeting
- (ii) Outgoing - letters to local government and dairy industry attendees at the Fleurieu regional consultations on 12 and 13 July 2005

The Board resolved to:
note the correspondence.

Carried

10. OTHER BUSINESS

This section has been removed pursuant to Board policy and/or legal requirements in relation to confidentiality. Criteria used for determining confidentiality can be viewed at www.epa.sa.gov.au/boardminutes

13. CLOSE

The Chair closed the meeting at 5.45 pm.

14. DATE OF THE NEXT MEETING

The next Board meeting will be held at 1.00 pm on Tuesday, 18 October 2005 in the EPA Boardroom, 7th floor, 77 Grenfell Street, Adelaide.

.....
Dr P Vogel
CHAIR

/ /2005

.....
Ms C Kelly
SECRETARY TO THE BOARD