



Environment Protection Authority

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EPA FOI-21-19

Environmental Defenders Office

GPO Box 170

ADELAIDE SA 5001

Dear [REDACTED]

I refer to your application under the *Freedom of Information Act 1991* (the FOI Act), received by the Environment Protection Authority (EPA) on 4 November 2021 for access to:

1. *Nyrstar's 2021 updated whole-of-site emissions inventory in relation to its Port Pirie lead smelter operations.*
2. *Nyrstar's 2021 report to the EPA detailing the cause of its licence conditions being exceeded in the previous year, along with proposed actions to avoid further exceedances (specifically the 8 January 2021 report as clarified via email on 10 November 2021)*
3. *Any report as to the investigation including action taken by the EPA in response to 1 and 2 above including but not limited to enforcement action and the outcome or outcomes of that action.*

From 1 January 2020 to 3 November 2021

The reports identified in point 1 and 2 of your request are a requirement of Nyrstar's EPA licence and have been provided to you via the public register on 9 December 2021 with commercial in confidence content removed.

The EPA undertook a preliminary search of its records for point 3 of your request. Following my phone call with you on 23 November 2021 to clarify the scope of your application, the EPA reviewed its records and found no documents within scope. The EPA is currently in the early stage of its investigation and therefore there are no reports as to the investigation at this time. I can confirm that the EPA has waived fees for processing your request.

Right of appeal

If you are dissatisfied with this determination you are entitled to apply for an internal review in accordance with section 29 of the FOI Act. To make an internal review application, please either write a letter or send the attached form to the Chief Executive of the Environment Protection Authority, Mr Tony Circelli, within 30 (calendar) days after you receive this letter. Should you submit an application for an Internal Review, please include an application fee of \$38.25, or request a fee waiver.

In accordance with the requirements of Premier and Cabinet Circular PC045, details of your FOI application, and the documents to which you are given access, may be published in the EPA's disclosure log. A copy of PC045 can be found at <https://www.dpc.sa.gov.au/resources-and-publications/premier-and-cabinet-circulars>

For any queries about this determination please contact Ms Heidi Ward, Senior Liaison Officer on 8204 2059 or email epa.publicregister@sa.gov.au

Yours sincerely



Suzanne Behrendt
Accredited Freedom of Information Officer
Acting Director People, Strategy and Performance
Environment Protection Authority

Date: 10 December 2021