

Smoke Watch 16.12.2010

Sat Dec 18, 2010 10:27 pm

A green heap was set alight at Rosevears Estate and an excavator placed more green on top. The West Tamar Council's green waste station is approximately 10 minutes away at Exeter. It would make more sense to mulch this waste, and there would be no risk of smoke harming anything or anybody.

The photos were taken around midday.



img\_0818a.jpg (283.98 KiB) Viewed 1335 times



*Formally owned by Gunns, now owned by Brown Brothers.*

img\_0821a.jpg (195.16 KiB) Viewed 1329 times



img\_0823a.jpg (300.41 KiB) Viewed 1318 times

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Re: Smoke Watch 16.12.2010  
Thu Dec 23, 2010 11:22 pm  
From: "cleanair" [cleanair@cleanairtas.com](mailto:cleanair@cleanairtas.com)  
To: [EnvironmentEnquiries@environment.tas.gov.au](mailto:EnvironmentEnquiries@environment.tas.gov.au)  
Subject: Complaint - Air Pollution  
Date: Sun, 19 Dec 2010 17:16:25 +1100  
EPA

Dear Sir/Madam,  
Could you please have a look at [viewtopic.php?f=3&t=82](http://viewtopic.php?f=3&t=82)  
and advise me what the position is with regards to this deliberate pollution?  
My understanding is, it certainly does not comply with the EMPCA or the EPP.  
In your response can you please let me know who is actually responsible?  
Thank you.  
Sincerely,  
Clive M. Stott

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Re: Smoke Watch 16.12.2010  
Thu Dec 23, 2010 11:29 pm  
From: Ellis Cox [Ellis.Cox@environment.tas.gov.au](mailto:Ellis.Cox@environment.tas.gov.au)  
To: cleanair [cleanair@cleanairtas.com](mailto:cleanair@cleanairtas.com)  
CC: Bob Hyde [Bob.Hyde@environment.tas.gov.au](mailto:Bob.Hyde@environment.tas.gov.au)  
Date: Thu, 23 Dec 2010 16:20:26 +1100  
Subject: Complaint - Air pollution

Dear Mr Stott,  
I refer to your email communication received on the 19th December 2010 in which you included a link to a webpage titled "Smokewatch 16.12.2010" in which you refer to a fire at the Rosevears Vineyard at Rosevears, Tasmania. You questioned whether or not it complied with the Environmental Management and Pollution Control Act 1994 and the Environmental Protection Policy (Air Quality) 2004 and requested advice on the responsible authority for events of this nature.

The Environmental Management and Pollution Control (Distributed Atmospheric Emissions) Regulations 2007 provides at Section 11 (2) that :

A person must not burn waste or fuel in the open or in an incinerator on land that has an area of 2 000 square metres or more, unless the waste or fuel is –

(a) unpainted, untreated and uncontaminated wood; or

(b) vegetative waste; or

(c) vegetation; or

(d) paper.

Enquiries undertaken by the EPA Division indicate that the Rosevears Vineyard is a property that is in excess of 2000 square meters and the type of fuel burned during this event was general vegetative waste in accordance with Section 11 (2) of the Regulations above. Consequently it appears that this burning event was not in contravention of the regulations.

The Environmental Management and Pollution Control Act 1994 has several sections under which penalties can be imposed for offences against the Act. In the case of a burning event the relevant sections are:

Section 50 – causing serious environmental harm;

Section 51 – causing material environmental harm;

Section 51A – depositing a pollutant where serious or material environmental harm may be caused;

Section 53 – causing environmental nuisance.

Serious and material environmental harm are defined in section 5 of EMPCA, and environmental nuisance is defined in section 3.

In relation to this specific burning event at Rosevears the Division has received no complaints from persons directly affected by the event in question, and no authorised officers were present in the area during the event as far as the Division is aware. The Division is therefore unable to demonstrate that either material environmental harm or environmental nuisance was caused in this instance (sections 51 and 53) nor whether a pollutant was deposited where serious or material environmental harm may have be caused (section 51A). Information received in response to the Division's enquiries into the nature of the burning event suggests that the scale of this event was such that it is highly unlikely that serious environmental harm was caused (section 50).

The Environmental Protection Policy (Air Quality) provides only general guidance on emissions from diffuse sources such as waste burning in the open. The EPP is not itself enforceable (it prescribes no offences or penalties). Regulatory authorities (including the EPA and councils) are obliged to implement the provisions of the EPP when developing legislation or drafting approval instruments. The EPA has done so, for example when the Environmental Management and Pollution Control (Distributed Atmospheric Emissions) Regulations 2007 were developed. The EPA is also working to ensure that the provisions of the EPP are reflected in any amendments to the Forest Practices Code 2000 relating to forestry planned burning. Councils should implement the provisions of the EPP when developing relevant by-laws.

Advice from the West Tamar Council indicates that there are no by-laws relevant to a burning event of this nature.

Consequently, while it appears that smoke has been emitted from this fire there is no indication that there has been any contravention of the relevant sections of the

Authorised Officers of the EPA Division are primarily responsible for regulation of emissions emanating from Level 2 activities permitted in accordance with the Environmental Management and

Pollution Control Act 1994. The Rosevears Vineyard is not a level 2 activity in accordance with the Act. The responsibility for the regulation of a burning event of this nature will be with Council.

Yours sincerely

Ellis Cox

Environmental Liaison Officer – Air

Scientific and Technical Branch

EPA Division

Department of Primary Industries, Parks, Water and the Environment

134 Macquarie St (Lands Building)

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Re: Smoke Watch 16.12.2010

Thu Dec 23, 2010 11:38 pm

From: "cleanair" [cleanair@cleanairtas.com](mailto:cleanair@cleanairtas.com)

To: [cleanair@cleanairtas.com](mailto:cleanair@cleanairtas.com)

Subject: Fw: Complaint - Air pollution 16.12.2010

Date: Thu, 23 Dec 2010 22:50:11 +1100

Dear Mr. Ellis,

Re: Complaint in relation to [viewtopic.php?f=3&t=82](#)

Thank you for your email.

I wish to advise I was walking on foot around Alpine Crescent, Grindelwald and got caught in this smoke. I was seriously harmed by the smoke. I was required to use prescription medication and go on life support oxygen to assist me to breathe.

At this point I take it that you may have dismissed my complaint on the wrongful assumption that, "...the scale of this event was such that it is highly unlikely that serious environmental harm was caused."

It would also appear some words are missing from the body of your email. Could you please correct this and resend to me.

This is a serious matter and I look forward to your further response as to what the EPA intends to do about it.

Thank you.

Sincerely,

Clive M. Stott

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Re: Smoke Watch 16.12.2010

Sat Jan 15, 2011 7:39 pm

To date the EPA have not responded to my 2nd email (Mr. Ellis 23/12/2011)

However, I sent a copy of the EPA's reply in relation to this matter to West Tamar Council.

Here is their response...

Your Ref:

Enquiries: Rick Chippindall  
Phone : (03) 6323 9300  
Fax : (03) 6323 9349

13 January, 2011

Mr. C. Stott

Grindelwald 7277

Dear Sir,

Re: Smoke Complaint

In response to your letter of 30 December 2010, I offer the following advice.

The *Environmental Management & Pollution Control (Distributed Atmospheric Emissions) Regulations 2007* were made by state government. These regulations refine the application of the *Environmental Management & Pollution Control Act 1994*. While the regulations can be enforced by both council officers and state government authorised officers, in many instances such enforcement would be undertaken by council officers.

These regulations do not prohibit a burning event of the nature referred to in the correspondence attached to your letter. The EPA has advised that the burning event was not in contravention of the regulations. Therefore, no regulation of that event could be undertaken by council, nor by state government authorized officers.

Thank you for your enquiry.

Yours faithfully,

A handwritten signature in black ink, appearing to read "R. Chippindall".

R. Chippindall  
Senior Environmental Health Officer

*West Tamar Council's response*

wtc inwards13.1.11a.jpg (99.18 KiB) Viewed 1169 times