

MINUTES

Subject: Orica Botany Groundwater Cleanup (BGC) Project
Community Liaison Committee (CLC) Meeting No. 42

Date: 15 September 2009

Time: 1.30 pm - 4.15 pm

Venue: Committee Room, Botany Town Hall

Attendees

Name	Representative for
Lucy Archer	Orica
Sophie Berthelot	Orica
Rick Bevan	Solvay Interlox Pty Ltd
Ann-Maree Carruthers	Dept of Planning (DoP)
Helena Cooke-Yarborough	Kellogg's
Greg Dasey	URS Australia Pty Ltd
Bronwyn Englaro	Randwick City Council
Julia Gennissen	Botany Environment Watch & Third Ward Rockdale
James Goodwin	Dept. of Environment, Climate Change & Water (DECCW), Sydney Industry
Susan Hall	Australian Environmental School.com
Matthew Hart	DECCW, Contaminated Sites
Nancy Hillier OAM	Botany Environment Watch
Erika Kano-Hosoyama	Orica
Kathy Lloyd	Sydney Ports Corporation (SPC)
Bob Marr	DECCW, Sydney Industry
Lynda Newnam	Botany Bay Explorers
Warrick O'Brien	City of Botany Bay Council (CoBB)
Graeme Richardson	Orica
Tony Rohr	Rohr Group – Hynlong Pty Ltd
Greg Russell	NSW Office of Water (part of DECCW)
Wendy Salkeld	Orica
Christa Sams	SPC
Paul Shepherd	CoBB, Acting CLC Chair
James Stening	Orica

1 WELCOME AND APOLOGIES

The Acting Chair welcomed everyone and advised of the following changes in membership:

- Geoff Ross, National Parks and Wildlife Services, advised of his withdrawal from the CLC and the agency can be kept informed of relevant CLC matters via the contaminated sites section of its umbrella department, DECCW; and,
- Peter Sangster replaces Garry Blaschke as the Chair of Botany Bay & Catchment Alliance.

Apologies were noted from the following participants:

Name	Representative for
John Burgess	Aust. Nat. Sportsfishing Assoc
Santo Cannata	South Eastern Sydney Public Health Unit (SESPHU)
Steve Corish	Orica
George Gates	NSW Office of Water
Kelvin Hawkins	Kellogg's
Niall Johnston	DECCW
John Kent	Chair

2 MINUTES OF LAST ORDINARY MEETING

It was noted that W O'Brien had requested an amendment to the minutes from the last ordinary meeting under Item 3.1 to delete the last eight words from the last sentence, so it will read 'W O'Brien noted that the last test was done on 15 January 2009 and that the results were provided to DWE.' It was also noted that the meeting date, 19 June, on the minutes is wrong and that it should be 16 June.

S Hall asked that an addition be made to the minutes to keep a record on how the change in regulatory instrument for the BGC Project was initiated. She stated that she had asked this question at the last ordinary meeting but it was not recorded in the minutes. It was noted that the answer to her question would be readdressed by DECCW in its presentation (refer to Item 5.2) and therefore agreed that no further amendment to the June minutes was required.

The minutes were accepted as amended by N Hillier and seconded by J Gennissen.

3 MATTERS ARISING FROM LAST ORDINARY MEETING

L Archer reported on the status of non-ongoing actions as follows:

Reference	Actions	Status
Sep 08 #3:	The CLC requested that the Dept. of Water and Energy (DWE) undertake ongoing communication regarding the ban on bore water use by residents within the Groundwater Extraction Exclusion Area (GEEA)	In progress. G Russell advised that he has discussed the matter with the Manager, Licensing South. The NSW Office of Water plans to update its website and possibly conduct a media release to remind residents of the restrictions. He requested that this action item be changed to an ongoing one as the matter would require periodic communication with residents during the life of the clean up operation.
Mar 09 #4:	Prof Acworth to be asked to provide feedback to the CLC on the results of the assessment of maximising hydraulic containment	Pending. Prof Acworth has been asked to provide feedback to the CLC once the relevant studies are completed. L Archer advised that S Corish had asked the CLC be advised that early results indicate that settlement is likely to be the limiting factor when determining the maximum volume of groundwater that can be extracted from the aquifer. Final reports are to be issued to Prof Acworth once available.
Mar 09 #15:	Orica to present results of the 2009 Environment Protection Licence (EPL) Annual Return, relevant to the BGC Project, to the CLC	Pending. 2009 Annual Return results will be submitted to DECCW by 18 Sep 2009 and will be shared at the December 2009 meeting.
Jun 09 #1	Orica to review CLC minutes distribution list	Completed. The distribution list has been updated and is attached on page 15 of the last ordinary meeting minutes.
Jun 09 #2	Orica to update the GTP Regulation Flow Chart to include details on regulatory tools and websites details for publicly accessible documents. The updated chart is to be distributed prior to the September CLC meeting.	Completed. An updated chart (Revision 2) was distributed to members on 9 Sep 2009.
Jun 09 #3	Orica to include wording in future CLC newsletters that reflects the discussion at the 16 June 2009 CLC meeting, e.g. 'cleanup will take a long time and we are in the early stages', 'it has never been done before' and 'Orica will continue to look for ways to speed up the cleanup'. The aim of this action is to help the wider community understand the scale and timeframe of the BGC Project.	Completed and ongoing. The September CLC newsletter included some wording to reflect the scale and timeframe of the project, which was reviewed by members prior to publishing.
Jun 09 #4	Establish a new IMC task (Task No. 24) for Prof Priestly to review information available and determine whether the treatment of DEAC waste at the GTP is likely to have affected the health of the local community.	Completed. A written report on IMC Task No. 24 by Prof Priestly was distributed to members on 9 Sep 09 (refer to Item 7).
Jun 09 #5	The Chair or P Shepherd to issue IMC Task 24 to Prof Priestly and ask him to provide his feedback in a written report prior to the September CLC meeting.	

Reference	Actions	Status
Jun 09 #6	Orica to include figures on delineation of mercury groundwater contamination from the former ChlorAlkali plant in the briefing paper for the September CLC meeting.	Completed.
Jun 09 #7	Orica to provide information on the lining of the landfill in Kemps Creek where sludge soil from the soil washing process will be disposed.	Pending. J Stening noted that as Orica has not yet commenced discussions with the landfill operators, it cannot comment in detail on the nature of the landfill into which the sludgy material from the soil washing process would be placed. However, he noted that it would most likely be placed in a monocell at a dedicated landfill, similar to what was used for the mercury contaminated demolition material from the former ChlorAlkali Plant. A monocell is a designated area at the base of a landfill that is kept separated from other waste by a clay layer. It was noted that Orica will be able to respond with more detail once remediation planning has progressed.
Jun 09 #8	Report to the August CPRC meeting on how the emptied drums that stored former Solvents Plant's waste by-products were disposed of.	Completed. The matter was responded to and recorded in the minutes of the August 2009 CPRC ordinary meeting.
Jun 09 #9	Orica to create a table summarising details on all Botany Transformation Projects, including scope, targets, timeframes and listing the human health/environmental risk assessments undertaken.	Completed. The table was distributed to members on 9 Sep 2009 (refer to item 8).
Jun 09 #10	CLC to provide suggestions for discussion at the September CLC meeting about how it can communicate with the public so that the committee's issues and goals are passed on to future generations for the span of the BGC Project.	Completed. Discussed at Items 7 and 9.
Jun 09 #11	CLC to discuss IMC membership at the September CLC meeting.	Completed (refer to item 7).
Jun 09 #12	Upload meeting minutes after CLC endorsement onto: www.oricabotanytransformation.com, commencing with the June 2009 meeting minutes.	Pending and ongoing. The minutes from the June 2009 ordinary CLC meeting will be uploaded with amendments as agreed at Item 2 after this meeting.
	ONGOING ACTIONS	
Jun 06 #11	A brief written report will be prepared by the relevant IMC member and be provided to the CLC on any request by Orica for services by IMC members	Ongoing requirement
Dec 07 #2	Orica to report/distribute feedback received via the new Botany Transformation Projects website for the CLC at every CLC meeting	Noted & ongoing
Dec 07 #14	Orica to structure future CLC agendas so that the independent validation audit reports are presented before progress reports are made	Noted & ongoing
Dec 07 #17	IMC tasks (actions and outcomes) to be reported regularly in CLC newsletters.	Ongoing
Dec 07 #18	Orica Community Relations Team (as CLC secretariat) to avoid the use of acronyms in CLC Newsletters	Ongoing
Apr 08 #1	Orica to update the GTP Management Flow Chart, as required	Ongoing

Reference	Actions	Status
Jun 08 #18	Advise the Chair of any thoughts on educating others on the CLC process or promoting the CLC	Ongoing
Sep 08 #16	Orica to allocate ten minutes at all future CLC meetings, for updates on Southlands	Ongoing

3.1 Communication with community groups at Kemps Creek

L Newman asked whether there were any community groups interested in or involved with the Kemps Creek landfill and suggested that information about the waste to be sent from the remediation of the former ChlorAlkali Plant be shared with those groups as a courtesy. J Stening advised that he did not know whether there are any established community groups in the Kemps Creek area but noted that the designated landfill is licensed to receive various types of wastes, including mercury containing materials. L Archer said that Orica could ask the landfill whether they have communications with any local community groups and advise the CLC of the reply.

Action Sep 09 #1: If Orica does propose to dispose of waste at the Kemps Creek landfill, it will ask the operators whether they have contact with any local community groups who might be interested in information about the material that Orica intends to send there, and to advise the CLC of the outcome.¹

3.2 Minutes distribution list

P Shepherd queried why Michael Daley, MP, was not included in the updated distribution list. Orica Community Relations responded that whilst he is not shown on the list, he is receiving all CLC related communications, including the minutes, as he is definitely on the electronic distribution list, and apologised for the error in the minutes.

Action Sep 09 #2: Orica to amend CLC minutes distribution list to include Michael Daley.

3.3 Report on new and pending actions

N Hillier asked whether a report on the new and pending actions would be available. Orica responded that the status on all outstanding non-ongoing actions would be reported in the minutes under Matters Arising from Last Ordinary Meeting (Item 3 above).

4 BGC PROJECT PROGRESS UPDATE – JAMES STENING (ORICA)

J Stening presented an update on the BGC Project (refer to attached slides). CLC discussion on issues raised during the presentation is recorded below.

4.1 Groundwater Treatment Plant (GTP)

Annual GTP Shutdown

J Stening advised that the heat exchanger at the GTP will need to be replaced during this year's GTP shutdown. P Shepherd queried whether the heat exchanger would require replacement every 4-5 years. J Stening responded that it probably would not need to be replaced that frequently and explained that the need for replacement now is probably the result of frequent start-ups and shut-downs during the commissioning period. More consistent, steady operation of the GTP, as it is operating now, creates less impact to the heat exchanger. J Stening said that it is anticipated that the replacement heat exchanger would last a good many years if the GTP continues to operate steadily.

Operational capacity constraints at the GTP

P Shepherd asked why the GTP continues to have operational capacity constraints. J Stening replied that the GTP has ongoing biological fouling issues at the Stripped Water Treatment Plant that limits its capacity. As it has been reported to the CLC previously, the replacement of Granular Activated Carbon beds with Biological Aerated Filters has improved the fouling issues, but some water property balancing issues remain. Orica is continuously working on ways to improve the operational capacity. L Archer offered that Orica give the CLC an update on the works that are currently being taken to improve operational capacity issues at the December meeting.

¹ Orica will respond to this action once detailed discussions with the landfill operator commence.

Action Sep 09 #3: Orica to provide an update at the December meeting on the various works being conducted at the GTP to increase its operational capacity.

L Newnam stated her concern with the capacity constraints at the GTP and the need for equipment replacements. She asked what this would imply about the status of GTP in 30 years' time. J Stening responded that the GTP would have reached the end of its plant life by then. He also said that it is hoped that in 30 years time the project has become less reliant on the GTP and that other remediation approaches would be in use.

L Archer reminded the CLC that the EPL requires an independent engineering audit of the GTP every five years and that the first audit will be conducted in 2012.

4.2 Shallow groundwater containment at the Primary Containment Area (PCA)

G Dasey provided feedback on shallow aquifer containment at the PCA. He explained that following the installation of additional monitoring wells, data indicates that containment is being achieved and that additional extraction wells are not required. P Shepherd asked how containment fluctuates with rainfall and whether the Southlands Remediation and Development Project would affect hydraulic containment at PCA (as more land will be sealed and there would be less rainfall infiltration). G Dasey replied that once the site is developed a slightly reduced volume of groundwater would need to be extracted from the PCA as less rain water will infiltrate to the aquifer. He explained that any development anywhere above the aquifer would slightly change the rate of infiltration and thus the rate of pumping, but that the effect is only very small.

4.3 Works on Foreshore Road

J Gennissen commented that residents in Rockdale frequently ask her about Orica-related works on Foreshore Road. She stated that many residents of Rockdale use the road, but are not well informed of any planned works. She requested that planned works at the Secondary Containment Area (SCA) be reported in the Orica quarterly newspaper column in the *St George and Sutherland Shire Leader*.

Action Sep 09 #4: Orica to include information on planned works on Foreshore Road in the quarterly column in the *St George and Sutherland Shire Leader*.

P Shepherd stated that CoBB would like to see the barriers that are erected on Foreshore Road removed as soon as all works are complete. L Archer explained that Orica hasn't removed the barriers as it is very costly and presents a safety risk to workers and drivers with each removal and re-installation. She went on to explain that maintenance works will be required on an ongoing basis and that it was likely that the barriers would need to be in place for a few months of every year. She noted that there will be some works in late 2009/early 2010 to replace some pumps at the western end of the SCA and that the barriers would remain in place between now and then.

L Newnam asked whether it was possible to erect signage to inform the users of Foreshore Road about the planned works. Both Orica and SPC noted that Roads and Traffic Authority (RTA) has strict limitations on signage for safety reasons. K Lloyd advised that SPC has explored options for signage at its works sites along Foreshore Road. It was agreed that Orica would raise the matter with the RTA and see what the best available option is for sharing information with the general public about Orica works at the SCA.

Action Sep 09 #5: Orica to investigate signage options at the SCA with the RTA.

4.4 Feedback on Prof Kueper's video

The CLC watched several minutes of a draft video based on Prof Bernie Kueper's DNAPL presentation at the March Strategy Review Workshop that is to be uploaded to the Orica website. There was a general consensus that the draft video looked great and that it would become a fantastic tool for the web viewers as well as the wider community. S Hall stated that it was important to also keep a transcript of Prof Kueper's presentation and asked whether one was available. She said she thought that Prof Kueper had said that development of the Southlands site could limit access for future remediation and capping the site for development could be detrimental. G Richardson stated that the north-eastern section of the Southlands site (the only area of Southlands where DNAPL is thought to be) was not proposed to be developed until such time that a future approach towards the remediation of DNAPL had been identified. He explained that easements were included in the Southlands Master Plan to provide ongoing access for pump and treat and monitoring and possible future remediation requirements.

L Archer advised that a video transcript is not being prepared, however the slides of the presentation and a workshop report will also be available. It was noted that the Kueper video was being developed to aid people that did not participate in the workshop to get a better understanding of DNAPL, its behaviour, the challenges of DNAPL remediation and the Botany case. The workshop report, which is being prepared for distribution to the CLC and participants, will be a record of the questions raised and answers provided at the workshop. Participants will have the opportunity to provide feedback on the workshop report.

H Cooke-Yarborough asked whether the video would be made available in other languages commonly spoken by the local community. She noted that the video would provide a great background on the BGC Project to the community. L Archer responded that there is currently no plan of making any translations of the video but that Orica has access to translation services and has advertised this in the CLC newsletter. She added that Orica had only had one translation enquiry in the last few years. It was noted that the offer of translation services should be made on the Orica website.

Action Sep 09 #6: Orica to make the offer of translation services available on the Botany Transformation Projects website.

J Gennissen asked whether the video could be made available on a CD-ROM or DVD for her to show it to her constituents or to those without internet access. E Kano-Hosoyama responded that Orica would check with Prof Kueper, and if he agreed DVDs/CD-ROMS would be made available.

Action Sep 09 #7: Orica to ask Prof Kueper whether the video could be made available as a CD-ROM/DVD for distribution to interested community groups.

4.5 Communicating with international community groups that deal with similar groundwater contamination issues

N Hillier asked whether it was possible for the CLC to exchange information with similar community forums that deal with similar groundwater contamination issues in other parts of the world. She explained that it would be beneficial to the committee to see what others are doing in terms of both consultation and remediation approaches for example, Groundwater Injection and Recovery (GIR). N Hillier advised that the CLC has to rely on Orica being honest with information about international expertise in groundwater remediation technologies.

G Dasey advised that he was unaware whether systems similar to the GIR system were being used in other parts of the world. G Richardson noted that at the March 2009 Remediation Strategy Review Community Workshop Prof Kueper advised that the current pump-and-treat approach being used by Orica is the best available approach for the Botany groundwater contamination and that the approach is consistent with international projects. J Stening added that it was the general consensus of the international experts invited to the Orica Remediation Strategy Review Workshop in December 2007 that Orica is doing all that can be done with the present available technology.

P Shepherd suggested that CLC members could perform a web search for other community forums that are dealing with similar issues, and it was agreed to add it to the agenda for the December meeting.

Action Sep 09 #8: CLC members to undertake a web search on other community forums that are addressing groundwater contamination issues and discuss at the December CLC meeting.

4.6 Elevated groundwater levels

N Hillier referred to the second dot point in Section 2.1 of the Briefing Paper, where it stated that Orica had engaged URS to investigate why elevated groundwater levels were observed at the eastern part of the SCA in intermediate monitoring wells. She asked whether the matter could be also investigated separately by the IMC as a backup. P Shepherd suggested deferring the discussion on IMC involvement until URS investigations are complete. He added that if the CLC finds the conclusions unsatisfactory, then the committee could issue a task to the IMC to conduct an independent investigation of the matter.

Action Sep 09 #9: Orica to report back on URS investigation into why elevated groundwater levels were observed in the eastern part of the SCA and CLC to consider whether investigation by the IMC is required.

5 DECCW UPDATE – MATTHEW HART/JAMES GOODWIN (DECCW)

M Hart and J Goodwin presented an update on the regulation of BGC Project (refer to attached slides).

5.1 Department Name Change

N Hillier asked whether DECCW incorporates management of the reticulated water supply. G Russell replied yes, he understood that all water entities have been brought together under the department. G Russell reassured the CLC that the functions of the departments/water entities have not changed, for example, the NSW Office of Water continues to deal with matters under the *Water Act 1912* and *Water Management Act 2000*. M Hart also advised that the EPA still exists and deals with matters under the *Protection of the Environment Operations Act 1997* and the *Contaminated Land Management Act 1997*. It was noted that the Hon John Robertson, MLC is now the Minister for Climate Change and the Environment (and a number of other portfolios) while the Hon Phillip Costa MP is the Minister for Water.

5.2 Review of the BGC Project regulatory regime

M Hart explained, in response to S Hall's request (Item 2), that the change in the BGC regulatory tool was initiated by DECCW as the requirements of the Notice of Clean Up Action are now mostly either ongoing or complete and that the project needed a more appropriate tool for its long-term management. He said that DECCW had approached Orica about the proposed regulatory tool change and in response Orica had proposed its preferred option, which was the Voluntary Management Proposal (VMP). The department reviewed the options available and determined the VMP as an appropriate tool.

5.3 Former ChlorAlkali Plant (FCAP)

N Hillier queried how large the area is that has been contaminated by mercury from historical activities conducted at the FCAP. M Hart replied that soil remediation would occur in blocks formerly occupied by the FCAP on Botany Industrial Park (BIP). He also responded that the mercury contamination in groundwater is within the Groundwater Extraction Exclusion Area (GEEA). Members were referred to the figures provided with the Briefing Paper.

5.4 Orica Deed of Cross Guarantee

J Goodwin explained that under Orica's EPL it has to advise of any company changes which may affect the financial assurance set up for the BGC Project. He advised that Orica has established a Deed of Cross Guarantee as permitted by the Australian Stock Exchange and has recently advised the department that one of the companies within the Deed² is to be removed from the Deed. He said that DECCW has asked Orica to provide more information so that the department can be sure that the removal will not impact on Orica's ongoing ability to fund the groundwater cleanup. G Richardson added that it was a very small company with no significant assets and that its removal from the Deed does not change the status of the financial assurance. He added that Orica will provide further information as requested by DECCW.

6 COMMUNITY FEEDBACK

J Gennissen reported that some of her constituents of the Third Ward Rockdale feel that they do not receive enough information surrounding the BGC Project and have told her that they are interested in knowing more. She said that it helps her that she receives all monthly columns and newsletters separately, and asked what could be done to have more information accessible to residents of Rockdale. The CLC noted that the newsletters are delivered and made available at Rockdale Council and libraries. W Salkeld reported that the quarterly newspaper columns in the *St George and Sutherland Shire Leader* contains the address of the Botany Transformation Project website and that Orica has not received any feedback or request for additional information from residents of the Rockdale area. L Archer suggested adding J Gennissen's constituents to the newsletter and column distribution list.

Action Sep 09 #10: J Gennissen to ask her constituents whether they would like to be on the newsletter and newspaper column distribution list, and then provide Orica with relevant contact details.

² Orica IC Assets Pty Ltd

P Shepherd stated that he uses the meeting minutes as a tool in providing updates on the project and matters that were discussed at the CLC meetings to his CoBB colleagues. He noted that currently the minutes only get distributed to the CLC just before the meeting, and that it is difficult to remember matters discussed. He asked whether it would be possible to distribute the minutes sooner and advised that it has been suggested to him that an independent minute taker might speed up the process. L Archer reported that it takes about 8 to 10 hours to prepare a first draft of the minutes, with further drafts prepared in an attempt to capture notes from other Orica attendees or presenters at the meeting as well as a review by the CLC Chair before distribution. L Newnam said she is happy with the quality of the minutes and that it is other communication tools that require review. The CLC noted that the quality of the minutes is good, and probably better than what could be written up by an independent minute taker. It was agreed that the quality of the minutes is to remain as is with an aim for an earlier distribution.

Action Sep 09 #11: Orica to aim to distribute the meeting minutes within three weeks of each meeting.

7 INDEPENDENT MONITORING COMMITTEE MATTERS

The IMC Quarterly Financial Report No. 14 was tabled and accepted by the CLC.

The CLC noted and accepted the written report from Prof Priestly on Task No. 24. The CLC discussed the value in inviting Prof Priestly to the CLC meeting and the CLC agreed that IMC members would generally be invited to a CLC meeting if the CLC has further questions.

7.1 Membership review

Independent Communication Advice

P Shepherd stated that as the Acting Chair, he has received feedback from members that warrant a discussion on obtaining expert advice on communication issues, including a review of Orica communications and methods for the CLC to communicate with younger/future generations. He said that the committee has progressed with the project over the years and it may be timely to review the communication approach. S Hall said that she would like to get advice on the usage of appropriate tools and other available opportunities for the CLC to effectively communicate with the wider community. The CLC noted that the scope of work for any review would be important and would need to be planned and clear. L Newnam noted that the scope could include evaluation of the effectiveness of current communications, a review of ways to improve communications, and advice on other communication approaches that could be used.

G Richardson asked whether DECCW could provide some examples of good communication approaches that the department sees used by others. J Goodwin reported that Orica has the most comprehensive consultation approach of the licensees managed by Sydney Industry that have community groups. He said that targeting communications and keeping the community/constituents interested are the elements that most community consultation groups struggle with.

L Archer reported that Jason Prior of the Institute of Sustainable Futures at UTS is conducting a research project for CRC Care (the Co-operative Research Centre for Contamination Assessment and Remediation of the Environment) and reminded the CLC that he spoke to them of his work earlier this year. She suggested that the results of his survey might be very useful in assessing the effectiveness of current Orica and CLC communications. S Hall commented that the survey may be able to show areas that need improvement. G Russell said the survey result may be used for a review of Orica's consultation process.

L Newnam commented that she would like to know how the CLC could create interest amongst the new generation on the BGC Project and noted that there are very few community members now regularly attending the CLC. P Shepherd noted that the minutes from previous meetings could provide a useful means for someone new to pick up the issues dealt with by the CLC. However, he noted that the Orica Botany Transformation Project website only has CLC papers from 2003 onwards.

W Salkeld asked whether seeking advice on communication approaches was really an IMC task, in accordance with the IMC Terms of Reference, or just a separate investigation. P Shepherd suggested asking Jason Prior about the progress of his research and obtaining a timeframe as to when the survey outcomes would be available, as a start.

W O'Brien also offered to ask a communication expert that he knows whether they could make a presentation to the CLC about the type of review they could do – to see whether that is what the CLC is interested in.

Action Sep 09 #12: Orica to ask Jason Prior about the progress of his research and obtain information on when the survey outcomes will be available.

Action Sep 09 #13: W O'Brien to ask a communication expert that he knows to make a presentation to the CLC On the type of communications review that could be done.

Existing IMC membership

The CLC considered the number of tasks (24 in total) conducted by each of the IMC members over the past three years and discussed the pros and cons of changing the IMC membership. R Bevan suggested that the hazard auditor, who presented to the June CLC meeting, Karin Nilsson, could be a possible IMC candidate. The CLC noted that future hazard audits will be conducted every three years. The CLC noted that there is no cost involved in maintaining the current members. It was agreed to keep all current members on the IMC and for Orica to go ahead with renewing their contracts.

Action Sep 09 #14: Orica to renew contracts with current IMC members.

L Newnam expressed concern that the CLC could be missing out on other worthy experts. The CLC noted that the IMC Terms of Reference does not restrict the number of members that may be included in the IMC as auxiliary members, and P Shepherd invited members to provide any additional suggestions for new members/or areas of expertise to him/Chair by the next meeting.

Action Sep 09 #15: CLC members to contact P Shepherd/Chair with any additional suggestions for new members or areas of expertise for the IMC before the December CLC meeting.

L Newnam suggested that a member with expertise in sustainability might be useful to help guide the project and improve sustainability. W O'Brien advised that he could come up with some suggestions with expertise in that area.

Action Sep 09 #16: W O'Brien to advise the CLC of individuals who could potentially provide sustainability expertise to the IMC. The CLC to then consider this feedback.

W Salkeld pointed out that L Mahony had asked for a review of the CLC representation on the IMC as it is currently CoBB. N Hillier advised that when the CLC set up the IMC, there was an opportunity for community members to be part of the IMC, but no one had stepped forward to take the role, so the committee decided to ask CoBB to represent the CLC in the IMC. The CLC noted that P Shepherd, as the representative of the CLC on IMC, does not get any new or different information to what the CLC gets. The aim to have a CLC representative on the IMC was to maintain robust communication between the IMC and the CLC. J Gennissen suggested that P Shepherd should remain in the IMC as the CLC representative and there is no need for a change or additional community member in the IMC, and this was agreed.

8 COMMUNITY CONSULTATION ON ORICA PROJECTS (ACTIONS MAR 09 #1 & 7 JUN 09 #9)

The CLC noted the Botany Transformation Projects summary table distributed prior to the meeting and agreed that it provided a good summary. J Gennissen, N Hillier and L Newnam expressed their appreciation and stated that the document would be very useful. L Newnam suggested uploading the table onto the Botany Transformation Projects website, with a feature, if possible, where links from the BIP map and table take the reader to further information.

P Shepherd asked why the other possible hexachlorobenzene (HCB) contaminated soils do not get discussed at the BIP Community Consultative Committee (BIP CCC). J Stening explained that the table is a reflection of current status in regards to all the projects, and matters concerning other possible HCB contaminated soils do not currently get discussed at the BIP CCC as it is not yet relevant to that committee. He said that if a project started and hence became more relevant to the BIP CCC, it could get included in the committee's discussion. W Salkeld then stated that Orica could begin to update the BIP CCC on the Denison Street landscaping mound as Orica has been

undertaking bioremediation investigations. L Newman commented that she finds the BIP CCC a great tool for the community to get the whole picture of the matters that are happening at the BIP.

R Bevan asked whether the Pacific National stockpile on the rail corridor is being affected by the current rail duplication works. Orica responded that it is not aware of any effects.

Action Sep 09 #17: Orica to upload the Botany Transformation Projects summary table on oricabotanytransformation.com.

9 CLC INDEPENDENT COMMUNICATIONS (ACTIONS MAR 09 #16 & JUN 09 #10)

It was agreed that matters related to this agenda item had already been covered at item 7.1 and that no further discussion was necessary. The CLC noted that it will take on W O'Brien's offer (Action Sep 09 #13) and discuss the matter further at December meeting.

10 FCAP MERCURY INVESTIGATIONS UPDATE – JAMES STENING (ORICA)

J Stening presented an update on the FCAP mercury investigations (refer to attached slides). J Stening advised that the Remediation Action Plan would be reviewed by a DECCW accredited auditor and that, as it is a substantial project, there is not an absolute timeline as yet and that a lot of work had to be done before remediation could commence. The current aim is winter 2010. L Archer explained that as mercury vapour is worse during hot weather it would be better to conduct the remediation works in cooler months, and if winter 2010 could not be achieved the works would probably occur the following winter. The CLC discussed the following matters.

10.1 Mobility of mercury contamination

N Hillier asked whether the mercury contamination is moving. J Stening responded that mercury found in the soil is mostly in the elemental form, similar to what used to be used in thermometers and would only be moved by digging. Most of the mercury is found above the water table and it is not readily soluble in groundwater.

J Stening explained that although there is mercury in the groundwater this was mostly derived from mercury that had become dissolved in the brine solution used during the chlorine manufacturing process, which had sometimes leaked into the ground.

10.2 Proposed soil remediation

N Hillier queried how Orica is proposing to remove mercury from the soil. J Stening replied that the soil would be removed by mechanical excavation and then processed in a soil washing plant to remove the mercury. The soil washing trials last year confirmed the process capability. The concrete cutting trial conducted in June confirmed that most mercury is found near the surface under the slab or near the foundations of the former plant. Excavated material would be transported to a soil washing plant, which will separate elemental mercury from fractions of soils. The remaining fine clay, sludgy material would contain the highest mercury concentration, and, as reported previously, will be disposed in a monocell at a licensed landfill.

N Hillier asked whether the soil washing process would be done in a contained area. J Stening responded yes, that the soil washing plant is a specialised plant that would be shipped from Canada and housed on site at BIP. N Hillier wondered whether the CLC could do a tour of the plant prior to its operation commencement. J Stening replied that it could potentially be arranged prior to the plant's commissioning.

J Stening referred to a question asked by N Hillier regarding the area of soil remediation (refer to Section 5.3). He noted that the remediation would occur in a block formerly occupied by the mercury cells, adjacent to the salt pile, which was completely demolished in 2007. P Shepherd noted that the BIP map attached to the back of the Botany Transformation Project table shows two other areas that are subject to the FCAP mercury investigation (coloured in pink). J Stening explained that the mapped pink blocks represent a generous interpretation of the area of investigation, and pointed out that there are hot spots in these other two areas that are part of the proposed remediation. As an example, he noted the area around monitoring well MWC03 as an area of interest for hot spot remediation.

10.3 Groundwater contamination

W O'Brien asked for Orica's comments in regards to the mercury groundwater contamination. J Stening stated that the soil remediation would remove the bulk of contamination, which could be

considered to be a potential groundwater contamination source. He went on to say that as previously reported, the Human Health & Environment Risk Assessment (HHERA) concluded that there is no unacceptable risk to human health from the mercury in groundwater as long as groundwater is not used (the mercury groundwater contamination is found within an industrial area of the GEEA where no bore water is being used). J Stening also stated that there are no receiving waters affected by the mercury in groundwater. J Stening explained that ongoing groundwater monitoring is being proposed in the work scope, but no specific remediation activity for the groundwater, such as pump-and-treat, is proposed. The monitoring will indicate whether the conclusions of the HHERA remain unchanged.

W O'Brien asked about the depth of the shallow aquifer in the area, and J Stening responded that it is 4-5 m below ground level. W O'Brien then referred to the figure of delineated groundwater contamination in shallow aquifer (Figure 8a, attached to the Briefing Paper) and asked whether the mercury contamination found around BIP could eventually merge with the dotted contours around monitoring wells MWC15 and MWC17 and flow out into the Perry Street stormwater canal. J Stening pointed out that the delineation contours are just an illustrative representation of what has been detected in the investigation and not a precise representation of the situation. He said that the detected mercury concentrations might be related to some other historical activity or release that took place in the area or had previously migrated, rather than the FCAP, as there was no detection upgradient of the monitoring wells. The mercury in the groundwater is not very mobile, and it can be argued that the mercury plume has only migrated a short distance over the 60 years of FCAP operation (compared to the wide area of the chlorinated hydrocarbon plumes). It was also noted that the Perry Street stormwater canal was installed above the groundwater table.

11 OTHER BUSINESS

The letter of appreciation written by the Chair to G Blaschke for his work with the CLC was tabled and accepted by the CLC.

W Salkeld reported that C Greene contacted her regarding a High Court case that is dealing with the fairness of a NSW and Federal Government scheme to compensate a large agricultural business for reducing their groundwater use, and asked her to pass on the information to the CLC. G Russell noted that any link with the BGC Project is unclear because he understood that there are significant differences between the two situations. He said domestic bores are different as residents are not charged for access to groundwater for domestic use. He noted that the domestic ban on groundwater usage, such as the one imposed in Botany Sands Aquifer, is a power the NSW Office of Water has under legislation. L Newnam stated that access to bore water was one of the bonuses to residents in the area, and learning more about this court challenge might be of an interest to the community. C Sams noted that Botany residents are in a different situation as they have an alternate water supply (i.e. reticulated water). W Salkeld offered to include the web link with the minutes to the ABC story that covers the case (see below).

Link: www.abc.net.au/rural/telegraph/content/2009/s2673134.htm³

12 NEXT MEETING/CLOSE

The meeting closed at 4.15 pm. J Gennissen thanked the Acting Chair for his contribution. The next CLC meeting will be held on 8 December at Botany Town Hall from 1.30 pm and will be chaired by John Kent.

Attachments

1. Presentation handout: BGC Project update by Orica
2. Presentation handout: Update on Regulation of Orica Groundwater Contamination by DECCW
3. Presentation handout: Former ChlorAlkali Plant Mercury Investigations Update by Orica

³ If you do not have internet access and would like a copy of the article, please contact Orica.

Summary of Outstanding & Ongoing Actions

Meeting and Reference	Actions	Status	Responsibility
Mar 09 #4:	Prof Acworth to be asked to provide feedback to the CLC on the results of the assessment of maximising hydraulic containment	Pending	Chair/P Shepherd
Mar 09 #15:	Orica to present results of the 2009 EPL Annual Return relevant to the BGC Project to the CLC. Include as an agenda item for the December CLC meeting.	Pending	Orica
Jun 09 #12	Upload meeting minutes after CLC endorsement onto www.oricabotanytransformation.com , commencing with the June 2009 meeting minutes.	Pending	Orica
Sep 09 #1	If Orica does propose to dispose of waste at the Kemps Creek landfill, it will ask the operators whether they have contact with any local community groups who might be interested in information about the material that Orica intends to send there, and to advise the CLC of the outcome.	New	Orica
Sep 09 #2	Orica to amend CLC minutes distribution list to include Michael Daley.	New	Orica
Sep 09 #3	Orica to provide an update at the December meeting on the various works being conducted at the GTP to increase its operational capacity.	New	Orica
Sep 09 #4	Orica to include information on planned works on Foreshore Road in the quarterly column in the <i>St George and Sutherland Shire Leader</i> .	New	Orica
Sep 09 #5	Orica to investigate signage options at the SCA with the RTA.	New	Orica
Sep 09 #6	Orica to make the offer of translation services available on the Botany Transformation Projects website.	New	Orica
Sep 09 #7	Orica to ask Prof Kueper whether the video could be made available as a CD-ROM/DVD for distribution to interested community groups.	New	Orica
Sep 09 #8	CLC members to undertake a web search on other community forums that are addressing groundwater contamination issues and discuss at the December CLC meeting.	New	CLC
Sep 09 #9	Orica to report back on URS investigation into why elevated groundwater levels were observed in the eastern part of the SCA and CLC to consider whether investigation by the IMC is required.	New	Orica
Sep 09 #10	J Gennissen to ask her constituents whether they would like to be on the newsletter and newspaper column distribution list, and then provide Orica with relevant contact details.	New	J Gennissen
Sep 09 #11	Orica to aim to distribute the meeting minutes within three weeks of each meeting.	New	Orica
Sep 09 #12	Orica to ask Jason Prior about the progress of his research and obtain information on when the survey outcomes will be available.	New	Orica
Sep 09 #13	W O'Brien to ask a communication expert that he knows to make a presentation to the CLC On the type of communications review that could be done.	New	W O'Brien
Sep 09 #14	Orica to renew contracts with current IMC members.	New	Orica

Summary of Outstanding & Ongoing Actions

Meeting and Reference	Actions	Status	Responsibility
Sep 09 #15	CLC members to contact P Shepherd/Chair with any additional suggestions for new members or areas of expertise for the IMC before the December CLC meeting.	New	CLC
Sep 09 #16	W O'Brien to advise the CLC of individuals who could potentially provide sustainability expertise to the IMC. The CLC to then consider this feedback.	New	W O'Brien
Sep 09 #17	Orica to upload the Botany Transformation Projects summary table on oricabotanytransformation.com .	New	Orica
	ONGOING ACTIONS		
June 06 #11	A brief written report will be prepared by the relevant IMC member and be provided to the CLC on any request by Orica for services by IMC members	Ongoing requirement	Orica / IMC members
Dec 07 #2	Orica to report/distribute feedback received via the new Botany Transformation Projects website for the CLC at every CLC meeting	Noted & ongoing	Orica
Dec 07 #14	Orica to structure future CLC agendas so that the independent validation audit reports are presented before progress reports are made	Noted & ongoing	Orica
Dec 07 #17	IMC tasks (actions and outcomes) to be reported regularly in CLC newsletters.	Ongoing	CLC
Dec 07 #18	Orica Community Relations Team (as CLC secretariat) to avoid the use of acronyms in CLC Newsletters	Ongoing	Orica
April 08 #1	Orica to update the GTP Management Flow Chart, as required	Ongoing	Orica
June 08 #18	Advise the Chair of any thoughts on educating others on the CLC process or promoting the CLC	Ongoing	CLC
Sept 08 #16	Orica to allocate ten minutes at all future CLC meetings, for updates on Southlands	Ongoing	Orica
Sept 08 #3	The CLC requested that DWE undertake ongoing communication regarding the ban on bore water use by residents within the GEEA	Ongoing	G Russell (NSW Office of Water)
Jun 09 #12	Upload meeting minutes after CLC endorsement onto www.oricabotanytransformation.com , commencing with the June 2009 meeting minutes.	Ongoing	Orica

Distribution of Minutes*: Attendees and apologies, plus:

Name	Representative of
Ms Raelene Oliver	Amtcor
Mr Tony Murray	Asciano
Mr John Owen	Banksmeadow Public School
Mr Pat Williams	Botany & Eastern Region Environmental Protection Agency (BEREPA)
Ms Laurel Wolfram	BEREPA
Mr Peter Sangster	Botany Bay & Catchment Alliance
Mr Bernie Clarke	Botany Bay Planning & Protection Council
Mr Glen Brindley	Botany Public School
Mr John Taylor	CCB Rockdale
Mr Erwin Benker	DECCW
Mr David Gathercole	DECCW
Ms Lynne Neville	DECCW
Ms Patricia Fabiano	DECCW
Ms Deanna Burn	DoP
Mr Scott Jeffries	DoP
Ms Elizabeth Jefferys	EAJ Consultants/resident
Mr John Tullis	Eastlakes Community Group
Dr Kate Hughes	Econeco
Mr Peter Wood	Gazal Corporation Limited
Mr Jason Prior	Institute for Sustainable Futures, UTS
Ms Rebecca Andrews	John Brodchie Nursery School
Mr Andrew Scott	JP Morgan
Mr James Chown	Linfox
Ms Alicia Ferreira	Maritime Container Services
Mr Simon Symeou	Matrville Public School
The Hon. Kristina Keneally, MP	Member for Heffron, Minister for Planning, and Minister for Redfern Waterloo
The Hon. Michael Daley, MP	Member for Maroubra, Minister for Police
Mr Adam Capon	NSW Department of Health
Adam Capon	Southern Eastern Sydney Public Health Unit (SESPHU), NSW Health
Mehmet Dariverenli	SESPHU, NSW Health
Carla Gannasin	NSW Dept. of Industry and Investment
Querida Hutchinson	NSW Dept. of Industry and Investment
Mr Nick James	NSW Dept of Industry and Investment
Mr Peter Turnell	NSW Dept of Industry and Investment
Graeme Dunlavy	NSW Maritime Authority
Ms Sharelle Payne	NSW Office of Water
Mr Marwan El-Charmy	NSW Office of Water
George Gates	NSW Office of Water
Mr Paul Thomas	One Steel
Mr Domenic Cappelli	Orica
Mr James Fairweather	Orica
Mr Ross Fraser	Orica
Mr Peter Hunt	Orica
Mr Peter Lucas	Orica
Mr David Reed	Orica

Name	Representative of
Ms Lily Roberts-Everett	Orica
Ms Michelle Skehan	Orica
Ms Lisa Walters	Orica
Mr Colin Wiley	Orica
Michael Selleck	Orica
Mr Jeff Kitz	Overseas visitor
Ms Marella Hogan	Pagewood Public School
Mr Ross Anthony	Randwick City Council
Mr Robert Parker	Resident
Mr Len Mahony	Resident
Mr Mark Rohr	Rohr Group – Hynlong P/L
Mr Jasper Childs	RTA
Mr John Tourier	Save Botany Beach
Jessica Berry	SPC

* This list has been updated to include Michael Daley, MP, and others that were not listed previously, as per Action Sep 09 #2.