

# Update on Regulation of Orica Groundwater Contamination

Groundwater Community Liaison Committee  
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Niall Johnston  
Contaminated Sites

Bob Marr  
Sydney Industry

## Overview of Presentation

- **Contaminated Sites**
  - **Review of Regulatory Strategy**
    - **Background**
    - **Voluntary Management Proposal**
- **Sydney Industry**
  - **Plant Performance and Incidents**
  - **Environment Protection Licence – variations etc**
  - **Notification of minor works & treatment of other legacy wastes**

## Review of Regulatory Strategy - Background

- 2003 – Notice of Clean up Action (POEO Act)
  - Installation of containment lines and the groundwater treatment plant
  - Ongoing monitoring
- 2005 – Declaration of Remediation Site (CLM Act)
  - Declaration includes BIP, Southlands, a number of commercial and industrial properties, part of Botany Golf Course and Penrhyn Estuary
  - Residential properties not included

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## Review of Regulatory Strategy - Background

- DECC has been considering options to identify an appropriate regulatory approach for the next 3-5 years of the groundwater clean up project.
- Orica proposed that they submit a voluntary management proposal (VMP) under the amended CLM Act for DECC's consideration.
- An approved VMP represents an appropriate regulatory tool in terms of the potential to include appropriate requirements (i.e. the content of the proposal), enforceability and transparency.

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## Review of Regulatory Strategy – Voluntary Management Proposal

- We expect the VMP to address the following:
  - Ongoing containment of the contaminant plumes via extraction of groundwater and treatment of the groundwater at the groundwater treatment plant (GTP);
  - Contingency measure for extended GTP shutdown;
  - Ongoing monitoring to assess for changes in the contaminant plumes;
  - Ongoing monitoring to assess for changes in risks to human health and the environment;
  - Regular reporting of results of monitoring programs;
  - Review of technologies for the remediation of DNAPL and dissolved phase contamination and convene a remediation strategy review (including experts); and
  - Ongoing communication with the community.

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## Review of Regulatory Strategy – Voluntary Management Proposal

- Approved Voluntary Management Proposals are enforceable (i.e. requirements to complete works and submit reports under an approved VMP are not optional).
- If we approve Orica's VMP for the ongoing regulation of the groundwater clean up project, we can still issue a management order to Orica if:
  - Orica does not meet the VMP requirements; or
  - The order relates to new or additional contamination outside the scope of the VMP; or
  - The order relates to matters not adequately addressed by the VMP.

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## Review of Regulatory Strategy – Voluntary Management Proposal

- The community will have access to the VMP (if approved) as it will be publicly available on DECC's Contaminated Land Public Record.
- Approved VMPs will also be listed on s149 planning certificates issued by Council under the *Environmental Planning and Assessment Act 1979*.
- The community is welcome to provide comment on the proposed strategy at this meeting or directly to DECC at other times.

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## Review of Regulatory Strategy – Voluntary Management Proposal

- The clean up notice will remain in force until after the new regulatory instrument is issued.
- The Environment Protection Licence will not be adversely affected by the proposed change in regulatory instrument.
- The existing financial assurance related to the clean up and groundwater treatment plant will also remain in place.

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## **Plant performance, incidents and complaints**

- **Satisfactory plant performance over past 3 months;**
- **DECC has received no notification from Orica of incidents/licence breaches during past 3 months; and**
- **No reports/complaints to the DECC's Environment Line.**

## **Environment Protection Licence No 2148**

- **Statutory licence review;**
- **Waste conditions modified to reflect new legislation;**
- **Remainder of SSU conditions removed;**
- **Modifications to condition which requires annual GTP validation audit;**
- **New PRP added to submit options report on water temperature discharge;**

**...continued**

## **Environment Protection Licence 2148...continued**

- **Changes to HCB plant shutdown requirements and to changes to reflect proposal to regenerate GAC rather than replace it; and**
- **New condition added to permit GIR trial and report on findings.**

## **Notification of minor works & consultation on planning matters**

- **New chemical tanks;**
- **Enclosure over HCB waste tanks; and**
- **Orica, DECC & DoP continuing to discuss appropriate planning process for treatment of legacy wastes.**