



Orica Botany Groundwater Cleanup Project

Need for Regulatory Review & Orica's Preferred Outcomes

Presentation for the Community Liaison Committee

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History

- February 2000 – Orica and EPA entered into a Voluntary Remediation Agreement [under the CLM Act]
 - Legally binding agreement – Orica voluntarily put forward a remediation proposal
 - Proactive proposal, but implementation is not discretionary
 - Detailed investigation, remediation, research & communication requirements
 - Orica successfully implemented tasks under the VRA including:
 - Groundwater, surface water, air and marine biota investigations
 - Removal and disposal of Springvale Drain sediments
 - Bioremediation trials
 - Maintaining and supporting the CLC and associated communications

History continued...

- In 2003 Orica reviewed remediation approach and submitted proposal including:
 - Full-scale reactive iron barrier
 - Full-scale bioremediation
 - Ex situ treatment if bioremediation trials were unsuccessful
- Sept 2003 – EPA issued Notice of Clean Up Action [under the POEO Act]
 - Following detection of increased concentrations of CHCs in Herford Street
 - Changed remedial focus to pump and treat
 - Required investigation, containment and removal of DNAPL source areas to the maximum extent practicable
 - Incorporated VRA requirements such as:
 - Comprehensive groundwater monitoring
 - Reports (now quarterly)
 - Reviewing the need to revise the HHRA
 - Maintaining the CLC and communication tools

History continued...

- EPL has been in place for Orca operations at Botany for many years
- EPL identifies points of discharge to the environment (eg stacks)
 - Discharge limits
 - Monitoring requirements
- Late 2005 - Environment Protection Licence 2148 modified by EPA for GTP operations [under the POEO Act]
 - Limits for air and water discharges from the GTP
 - Operational noise limits
 - Compliance and engineering audits
 - IMC
 - Financial assurance requirements

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History

 **Need for Change**

Orica's Objectives for Ongoing Regulation

Orica's Preferred Outcome

Need for Change

- The current regulatory review proposed by DECC is an opportunity to simplify and streamline the administrative approach
- To the benefit of DECC, the community and Orica

The following matters need review:

- Components of the NCUA that are complete
- The consideration of best practice technologies for remediation of DNAPL and groundwater containing dissolved phase contaminants – this is part of the Strategy Review Process – workshop on 31 March
- Overlapping requirements for groundwater monitoring in the NCUA and EPL2148
- Non-operational matters in EPL2148
 - Orica will continue to need an EPL
- The BGC Project is the only project in NSW where a NCUA is used for long-term historic contamination

Need for Change continued...

- The following aspects of the existing NCUA and requirements of EPL2148 do not need to change:
 - Pump and treat groundwater at the GTP
 - Maintain a comprehensive monitoring program
 - Prepare regular comprehensive reports and make them easily accessible to the public
 - Review the need to revise the HHRA in light of monitoring results
 - Maintain the CLC and other established communication tools
 - Service the IMC
 - Continue the established financial assurance requirements
 - Maintain GTP operational conditions outlined in EPL2148
- These matters need to be maintained but could be administered more effectively

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▶ **Orica's Objectives for Ongoing Regulation**

Orica's Preferred Outcome

Orica's Objectives

- That the BGC Project be regulated as a defined project separate from Orica's other investigation and remediation projects at Botany
- That only operational matters be included in EPL2148
 - That is, discharges to the environment
 - Compliance tool not a management tool
- The right regulatory tool for the job
 - The CLM Act is designed specifically for the management of contaminated sites
 - DECC recently released Groundwater Guidelines under the CLM Act
- That administrative efficiency is maximised for both DECC and Orica
- Allows implementation of the BGC Project to be cost effective and relevant to the protection of human health and the environment

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 **Orica's Preferred Outcome**

Orica's Preferred Outcome

Orica is committed to the BGC Project & ongoing two-way communication with the community

Orica's suggested approach (submitted recently to DECC and DoP) is:

- To streamline the EPL to address operational matters associated with discharges to the environment from the GTP and the proposed GIR System
- To replace the NCUA with a Voluntary Remediation Proposal (this would be called a Voluntary Management Proposal once the CLM Act changes come in)
 - The proposal would need to be reviewed and approved by DECC
 - This would be an enforceable agreement – DECC can impose penalties for non-compliance
- Regardless of the instrument used, the content will be the most important consideration

Orica's Preferred Outcome continued...

The VRP/VMP could be reviewed every few years and continue the requirement to:

- Operate the GTP and containment lines (and the backup GIR System)
 - Implement a comprehensive monitoring program
 - Conduct regular reporting
 - Revise the HHRA in light of monitoring results
 - Continue the CLC and other established communication tools
 - Continue the IMC
 - Revise the Groundwater Cleanup Plan in 2009 and on a five yearly basis
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- Orica has also recommended that separate VRPs/VMPs be established for other projects such as the mercury remediation at the Former ChlorAlkali Plant

