

## Minutes

### HCB Community Participation and Review Committee

Botany Town Hall: Tuesday 16 March 2010

In attendance:

Sandi Chick	Office of Peter Garrett MP
Bill Crowe	Orica
Mehreen Faruqi	Community Participation and Review Committee (CPRC) Chair
Julia Gennissen	Botany Environment Watch (BEW) & Concerned Citizens Association Third Ward Rockdale
James Goodwin	Dept. of Environment, Climate Change and Water (DECCW)
Damien Hall	Dept. of Environment, Water, Heritage and the Arts
Susan Hall	Australian Environmental School.com
Matthew Hart	DECCW
Andy Hawkins	DECCW
Nancy Hillier OAM	BEW
Matt Lyle*	Thiess Services Pty Ltd
Hugh Madden	Parsons Brinckerhoff Aust. P/L
Len Mahony	Resident
Bob Marr	DECCW
Lynda Newnam	Botany Bay Explorers
Warrick O'Brien	City of Botany Bay Council (CoBB)
William Peters	South Ward Action Group (SWAG)
Beverley Pickering	BEW
Paul Pickering	Resident
Jason Prior	UTS Institute of Sustainable Futures
Lily Roberts-Everett	Orica
Wendy Salkeld	Orica
Brian Shaw*	Botany Bay and Catchment Alliance (BBACA)
Richard Smolenski	Resident
James Stening	Orica
Andrew Tipple	Orica
Cllr Brian Troy	CoBB
Lisa Williams	Office of Michael Daley
Laura Wythes*	DECCW

\* New attendees

#### 1. WELCOME & APOLOGIES

The meeting opened at 5.35pm. The Chair welcomed new participants (marked \* above) and presenters J Prior and H Madden. Apologies were noted for the following members and observers:

- Lucy Archer (Orica)
- Helena Cooke-Yarborough (Kellogg's)
- Kelvin Hawkins (Kellogg's)
- Kate Hughes (Rhodes Community Consultative Committee/Earth Foundation)

#### 2. MINUTES FROM THE MEETING ON 10 NOVEMBER 2009

S Hall expressed concern about the draft minutes for the November 2009 meeting saying they are inaccurate and that some discussion was missing. She said that she thinks the minutes are shaped to suit Orica and is particularly concerned about how her comments, detailed under 4.1 *Suggestion for a Meeting with Minister Garrett*, were treated, saying it

did not reflect what she expressed. Other members acknowledged S Hall's right to challenge what is recorded but conveyed confidence in the way minutes are recorded. Members acknowledged the opportunity to request specific noting in the minutes and the draft minutes review process. Agreement was reached to delete the following words in Section 4.1 pages 5/6: "*S Hall noted that things do seem to be moving forward slowly...*" and subject to this amendment R Smolenski moved to accept the draft Minutes for 10 November 2009 with Cllr B Troy seconding this.

### 3. MATTERS ARISING

#### 3.1. ACTIONS ARISING

W Salkeld reported on actions as reflected in the following table.

Ref	Action	Status/Comments
Aug 06 #6	Orica to discuss the best transport times for HCB waste with the Port Botany Environmental Management Committee and other key organisations.	Outstanding. To be completed at the appropriate point in the process.
May 07 #3	Further discussion regarding the consultation approach during remediation of the CPWE to be held closer to the time of works on site if the project is approved.	Completed at Agenda Item 6.
Aug 07 #2	Orica to plan a meeting (late 2007 or early 2008) for CPWE target interest groups and CPRC members to discuss future consultation processes for the CPWE Remediation Project.	To be discussed at Agenda Item 6.
Aug 08 #5	W Salkeld and Chair to prepare draft Terms of Reference for the Independent Expert Panel (IEP) for consideration by the CPRC. These Terms of Reference are to be based on discussion at the August meeting and background papers prepared for this meeting.	Completed.
Aug 08 #6	The CPRC to meet a week after CPWE EA determination is complete, to discuss the IEP.	Completed.
May 09 #6	When available, Orica to distribute copies of the CPWE EA determination to CPRC members.	Completed.
May 09 #12	J Prior to remain in contact with the CPRC and, once compiled, present final findings to the CPRC.	Completed at Agenda Item 4.
Nov 09 #1	M Hart to advise whether it is appropriate for DECCW CPRC attendees to approve meeting minutes.	M Hart advised that it is not appropriate for DECCW to approve the CPRC minutes. Completed.
Nov 09 #2	August 2010 CPRC meeting to be held at UNSW and transport assistance (if requested) to be provided by Orica.	Outstanding.

Ref	Action	Status/Comments
Nov 09 #3	The Chair to write to P Brown, thanking him for the offer to meet at UNSW and requesting information about how the meeting arrangements, with consideration of accessibility for members, can be progressed.	Completed. Chair emailed P Brown; P Brown advised there are several rooms that can be easily accessed by CPRC members. Completed.
Nov 09 #5	Orica to amend the CPRC ToR to include relevant ongoing actions and then circulate the ToR.	Completed
Nov 09 #6	H Madden to present environmental compliance audit results to the February 2010 or May 2010 CPRC meeting.	Completed at Agenda Item 5.
Nov 09 #7	W Salkeld to advise the CPRC of the dates of the upcoming RCCC meetings.	Completed.
Nov 09 #8	The Chair to ask P Brown for any recommendations for the CPWE IEP.	Completed.
Nov 09 #9	The Chair and W Salkeld to draft the Scope/ToR for the CPWE IEP, for distribution to members by end November 2009.	Completed.
Nov 09 #10	CPRC members are to forward any suggestions relating to the CPWE IEP ToR or possible candidates to the Chair by the first week in December 2009.	Completed.
Nov 09 #11	An extraordinary CPRC meeting is to be held on Thursday 28 January 2010, at the Botany Town Hall to discuss candidates for the CPWE IEP. CVs of candidates will be distributed prior to this meeting.	Completed. CPRC noted the Meeting Record distributed in February.
Nov 09 #12	DECCW and CoBB to provide an update on the Corish Circle fuel pipeline investigations at the February 2010 CPRC meeting.	Completed at Agenda Item 9.
Nov 09 #13	CPRC ToR to be changed to read as follows: <ul style="list-style-type: none"> <li>“CPRC Members and Observers can talk to the media <u>and other stakeholders</u> as long as it is clear that they are not representing the CPRC.</li> <li>Individuals have the right to make their own statements to the media <u>and other stakeholders</u> on their own behalf.”</li> </ul>	Completed. CPRC noted membership/observer updates made to the ToR. It was noted that CPRC meetings are open to the public and new attendees must declare their interest. Spare copies if the ToR will be available at meetings.
Nov 09 #14	CPRC Chair to submit an invoice to Orica for her out-of-pocket expenses.	Completed at Agenda Item 9.
Nov 09 #15	The Chair to meet with P Brown to consider suitable candidates for the CPRC Chair role. The outcome of their discussions to be shared with the CPRC.	Completed at Agenda Item 8.

### 3.2. ONGOING ACTIONS

Ref	Action	Status/Comments
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Ref	Action	Status/Comments
Nov 06 #9	Ongoing agenda item on other HCB waste contaminated soil at Botany, this will include discussion of potential treatment options and advising on any new HCB contaminated sites at Botany.	Ongoing
Aug 07 #1	Orica to seek e-mail addresses for the CPWE stakeholder list when contact is made with local residents and businesses.	Completed, at Agenda Item 6.3.
Nov 07 #10	Orica to load onto the website July and August 2007 meeting Minutes, and all subsequent CPRC Minutes once they are approved.	Completed. Ongoing action captured in revised Feb 2010 CPRC ToR.
May 08 #1	Orica to aim to provide members with Draft Minutes three weeks after each regular meeting.	Completed. Ongoing action captured in revised Feb 2010 CPRC ToR.
May 08 #4	In all future Minutes Orica to state the name of the CPRC member who makes a specific request or recommends an action that is agreed upon.	Completed. Ongoing action captured in revised Feb 2010 CPRC ToR.
Nov 09 #4	Orica to include "Other HCB Waste" as a standing agenda item, and highlight all standing items in each agenda.	Ongoing

New actions arising from discussion are:

**Action March 10 #1: Orica to follow up with P Brown regarding the location for August CPRC meeting to be held at UNSW.**

**Action March 10 #2: Orica to bring copies of the Terms of Reference for the CPRC to all meetings and to provide new attendees with a copy, for their information. New attendees to be invited to share their reason for attending.**

### **3.3. CORRESPONDENCE**

There was no correspondence to discuss.

## **4. COMMUNITY ATTITUDES TO IN SITU REMEDIATION OF CONTAMINATED SITES – RESEARCH FINDINGS – J PRIOR (UTS)**

J Prior from the Institute of Sustainable Futures, UTS, presented findings from a research undertaken for the Cooperative Research Centre for Contamination Assessment & Remediation of the Environment (CRC CARE). The research conducted in the North Lake Macquarie area and Botany area, focussed on community perceptions and experiences of remediation in those areas. The Botany survey recorded results from telephone interviews with 400 randomly selected residents from a variety of ages and gender. 100 of the telephone interviewees then participated in focus groups and one-on-one interviews.

Discussion covered the following:

L Mahony asked why the research did not include air-borne contamination. J Prior said that those surveyed identified that some of the survey respondents was aware of the groundwater contamination, HCB and the CPWE.

The Chair asked how the trustworthiness of information compares with overseas experiences. J Prior said the findings at Botany had similarities with research undertaken by Edelstein in the USA. J Prior referred to the term 'recreancy', which means 'the failure of experts or specialised organisations to properly execute responsibilities to the broader collectivity with which they have been implicitly or explicitly entrusted' and this was identified as a factor in the trustworthiness of government agencies. J Prior added that the research report looks at tensions that arise in communities where remediation occurs. For example, in the Botany Area it has brought people together into groups such as the CPRC. He noted that in the North Lake Macquarie Area the smelters closure in 2003 had been followed by a decline in community action. Tensions in the community emerged in the later 1990s as a result of the tension between job security at the smelter and family health.

R Smolenski asked whether the communities in Cockle Creek and Botany regarded the trustworthiness of their respective community committees differently. J Prior noted that the North Lake Macquarie area no longer has a community action committee.

N Hillier asked whether J Prior would provide solutions for improved community engagement. J Prior explained that the intent of the research was to create a 'stand alone resource about community experiences and perceptions of contaminated land and associated remediation processes' that others such as the CPRC could use to inform their decision making processes around engaging with communities.

J Prior reported having difficulty engaging people in the 18-34 year old age group, particularly males. Members discussed ideas to assist in engaging this age group and suggested looking at local schools, offering an incentive or separating this group into two age groups: 18–24 year olds and 25–35 year olds.

The research report will be released in late April/May 2010. It will be available on the CRC CARE website. Copies will be distributed to State Government and key environmental groups and the CPRC requested that copies be made available to the CPRC and the Botany Groundwater Community Liaison Committee. J Prior agreed to ask CRC CARE to forward a copy to CoBB.

**Action March 10 #3: Orica to request a copy of the research report from CRC CARE, for distribution to the CPRC.**

**Action March 10 #4: J Prior to ask CRC CARE to provide a copy of the research report to CoBB.**

The Chair thanked J Prior for his presentation.

## **5. STORED HCB WASTE UPDATE**

### **5.1. EXPORT UPDATE – B CROWE (ORICA) & D HALL (DEWHA)**

D Hall advised that there have been no further developments relating to the export applications. He reported that Denmark has a new Minister for the Environment, and assured members that no further action is required of Orica, DEWHA or Minister Garrett at this stage. L Newnam commented on the upcoming Danish elections and economy.

D Hall said the application process is on-going and that Danish authorities will contact him once further information is known. B Crowe added that the Kommunekemi Plant provides information on progress in Denmark to Orica, and that it has not received any negative feedback. When asked about timing, D Hall said there has been nothing to indicate that the Danes have an issue with this. He said the process is different to Australia's as it is the EPA in Denmark that makes the decision, not the Minister, and that it is good

administration for the Danish EPA to get the Minister up to speed with Orica's applications. Once the applications (Duly Reasoned Request) are formally accepted, the Danish government has 30 days to make a decision.

P Pickering asked whether anyone is creating waste like this in Australia or has added to Orica's waste. The answer was negative. D Hall advised that he's happy to keep coming to CPRC meetings to provide updates.

## **5.2. HCB WASTE REPACKAGING PLANT UPDATE**

B Crowe advised that there is no new information to share and 70% of the waste has been repackaged.

## **5.3. RESULTS OF 2<sup>ND</sup> ENVIRONMENTAL AUDIT – H MADDEN (PARSONS BRINCKERHOFF AUST. P/L)**

H Madden presented results from the second compliance audit of the HCB Waste Repackaging Plant, which was conducted in November 2009 (refer to attached slides). The results were good. The 2% non-compliances related to late or incomplete reporting to the Department of Planning. H Madden recommended changing the Operational Environmental Management Plan to include guidance on record keeping requirements for the paperwork that exists. While there is no statutory requirement to retain these records for any length of time, H Madden believes doing so ensures Orica can avoid any potential future issues.

When asked by N Hillier whether the waste is man-handled, the answer was negative. L Mahony asked how long the new barrels would last. Orica advised that the new drums are designed for international travel and would last 30-40 years.

## **6. CAR PARK WASTE ENCAPSULATION**

### **6.1. PROJECT UPDATE – A TIPPLE (ORICA)**

A Tipple introduced himself as the Orica Project Manager and referred members to the CPRC Briefing Paper, which notes that the DTD Plant is yet to arrive from Lednez, and that there will be several months of performance testing once it arrives. He added that a shed will be built over the area being excavated, to control emissions. Orica confirmed that up to 20 workers will be involved in the project and that the plant will treat waste 24 hours a day, six days a week for about six months. A Tipple introduced Thiess Project Manager, Matt Lyle.

L Mahony stated that "burning waste for 24 hours a day is a disgrace, especially with children in the area". He said he "believes Orica gets the green light for everything it proposes from a government that did nothing for 50 years while Orica polluted the area". Orica explained that the options for treatment of the CPWE had been fully discussed with the CPRC over many years before agreement on the best way forward, and that a vigorous health assessment has been conducted. The operation of the DTD Plant and remediation works is highly regulated.

The Chair added that the CPRC and the newly established Independent Expert Panel (IEP) will closely monitor the project. N Hillier concurred that while she does not like the idea of treating the waste at Botany, she loathes the idea of disturbing the waste in order to remove it for treatment somewhere else.

The CPRC noted that the nearest residents are 500-600 metres and local schools are a considerable distance from the project site. Environmental management techniques to minimise impacts will be used such as covering all truckloads and washing down trucks.

Plans are to return some of the treated soil to the car park, while some will be used for landscaping. It was noted that the soil will be inert (i.e. devoid of all organic matter) . Prior to reuse the treated soil will be stored in a designated area and covered by tarpaulin.

## **6.2. INDEPENDENT EXPERT PANEL MATTERS – W SALKELD (ORICA)**

W Salkeld advised that contracts for B Priestly, C Clunies-Ross and J McCracken have been finalised, and a contract with P Naderbaum is close to being finalised. All IEP members will be briefed about the CPWE project.

## **6.3. COMMUNITY CONSULTATION**

W Salkeld provided an overview of the proposed consultation approach during remediation of the CPWE (refer attached slides). This includes the continued sharing of information through CPRC newsletters (and Orica's other existing communication tools) as well as the distribution of detailed information via emails/letters and briefings/meetings for those in close proximity to the site.

Members agreed that CPWE issues may be listed earlier in CPRC meeting agendas, so that community members could attend just that part of the meeting if they wished. It was noted that Orica will table copies of group correspondence to CPWE stakeholders at CPRC meetings. Members asked Orica to revise the communication plan for the project to include residences on Wentworth Avenue (between Denison Street and Bunnerong Road) in the distribution area for detailed information about the project. Orica will consider this request. Orica assured attendees that a flexible communication approach will be implemented. L Newnam suggested surveying stakeholders about scheduling CPRC meetings at an earlier or later time. R Smolenski asked about the CPRC viewing the Communications Plan for the project and W Salkeld advised that the basis of it had just been presented.

**Action March 10 #5: CPWE project to be listed earlier on the agenda for future CPRC meetings.**

**Action March 10 #6: Orica to consider CPRC feedback on the CPWE stakeholder area map.**

**Action March 10 #7: Orica to survey stakeholders about scheduling CPRC meetings at an earlier or later time.**

## **7. OTHER HCB WASTE UPDATE – J STENING (ORICA)**

J Stening reported that Orica continues to liaise with Pacific National (PN), and that Orica needs to consider the suitability of the PN stockpile for treatment at the DTD Plant. B Marr added that when PN's licence was renewed, it was informed of a possible opportunity to treat this soil at the DTD Plant. A separate approval process will also be required.

J Stening reported that the Environmental Biotechnology Cooperative Research Centre (EBCRC) is continuing field trials at the Denison Street landscaping mound at BIP.

B Crowe explained that Orica sees the following main components of Other HCB Waste at BIP that need to be considered for remediation and potential treatment in the DTD Plant: PN stockpile, HCB Store E which contains demolition waste and HCB contaminated soil that has been found on site, including some in the proposed area for mercury remediation. If this waste proves to be similar to the CPWE soil, it could be treated at the DTD Plant. If this is the case, Orica will discuss proposals with DECCW, DoP and the CPRC.

When R Smolenski asked what is being done about HCBd detections in air emissions, J Stening explained that air monitoring is conducted primarily for the groundwater cleanup

project and the CPWE. He said HCBd had been recently detected because a much lower detection limit had been achieved compared with previous monitoring rounds. The measured concentration was lower than the previous detection limit, but of similar magnitude. J Stening advised that further investigations will occur, with the next monitoring round scheduled for October 2010.

## **8. APPOINTMENT OF REPLACEMENT CHAIR**

The Chair spoke of the extremely hard work the CPRC has undertaken and acknowledged what has been achieved over recent years, such as the CPWE approval, several Environmental Assessments and two lots of export applications. She recognised that there are more HCB challenges ahead but believed the CPRC is more than capable of managing them, and said she would be interested in being an observer.

Many members of the CPRC expressed their gratitude for everything M Faruqi has contributed over the years and some were keen to stay in contact. N Hillier asked Orica to consider presenting a show of formal appreciation which Orica supported.

**Action March 10 #8: Orica to consider a token of appreciation for M Faruqi contribution as CPRC Chair.**

Dr Faruqi reported that P Brown (former Chair of the CPRC) indicated his willingness to chair the committee again, possibly commencing in November 2010. R Smolenski moved to accept this offer, which was seconded by J Gennissen. Orica is to contact P Brown to confirm his offer. Agreement was reached for CoBB to chair the May and August 2010 CPRC meetings.

**Action March 10 #9: Orica to contact P Brown to confirm his offer to chair the CPRC, possibly from November 2010.**

**Action March 10 #10: CoBB to Chair the May and August 2010 CPRC meetings.**

## **9. OTHER BUSINESS**

### **9.1. CORISH CIRCLE FUEL PIPELINE UPDATE FROM DECCW**

M Hart advised that source of soil contamination cannot be confirmed. Caltex has been asked to conduct further investigations.

### **9.2. PHOTOGRAPHER FOR FUTURE CPRC MEETING**

W Salkeld stated that Orica hopes to take up-to-date photographs of the committee, and suggested postponing this until P Brown returns as Chair.

**Action March 10 #11: Orica to organise photographer to attend a CPRC meeting once P Brown returns.**

### **9.3. CHAIRS INVOICE**

M Faruqi tabled her final invoice for her expenses. R Smolenski moved to accept payment of M Faruqi's final Invoice.

**Action March 10 #12: Orica to process payment of M Faruqi's invoice.**

#### **9.4. OTHERS**

W Salkeld announced that we are also farewelling L Roberts-Everett from Orica due to administrative resourcing changes. Many members thanked and conveyed their appreciation of L Roberts-Everett's contribution to the CPRC, and wished her well in her future endeavours.

#### **10. CLOSE**

The meeting closed at 8.00 pm.

## CPRC MEETINGS – OUTSTANDING ACTION LIST

Ref	Action	Responsibility	Status
Aug 06 #6	Orica to discuss the best transport times for HCB waste with the Port Botany Environmental Management Committee and other key organisations.	Orica	To be completed at the appropriate point in the process.
Nov 09 #2	August 2010 CPRC meeting to be held at UNSW and transport assistance (if requested) to be provided by Orica.	Orica	Outstanding
March 10 #1	Orica to follow up with P Brown about the room for the August CPRC meeting at UNSW	Orica	New
March 10 #2	Orica to bring copies of the Terms of Reference for the CPRC to all meetings and to provide new attendees with a copy, for their information. New attendees to be invited to share their reason for attending.	Orica	New
March 10 #3	Orica to request a copy of the research report from CRC CARE, for distribution to the CPRC.	Orica	New
March 10 #4	J Prior to ask CRC CARE to provide a copy of the research report to CoBB.	J Prior	New
March 10 #5	CPWE project to be listed earlier on the agenda for future CPRC meetings.	Orica/Chair	New
March 10 #6	Orica to consider CPRC feedback on the CPWE stakeholder area map.	Orica	New
March 10 #7	Orica to survey stakeholders about scheduling CPRC meetings at an earlier or later time.	Orica	New
March 10 #8	Orica to consider a token of appreciation for M Faruqi contribution as CPRC Chair	Orica	New
March 10 #9	Orica to contact P Brown to confirm his offer to chair the CPRC, possibly from November 2010.	Orica	New
March 10 #10	CoBB to Chair the May and August 2010 CPRC meetings.	CoBB	New
March 10 #11	Orica to organise photographer to attend a CPRC meeting once P Brown returns.	Orica	New
March 10 #12	Orica to process payment of M Faruqi's invoice.	Orica	New

## ONGOING ACTIONS

Ref	Action	Responsibility	Status/Comments
Nov 06 #9	Ongoing agenda item on other HCB waste contaminated soil at Botany, this will include discussion of potential treatment options and advising on any new HCB contaminated sites at Botany.	Orica	Ongoing