

**PROPOSAL FOR THE INDEPENDENT MONITORING COMMITTEE
FOR DISCUSSION WITH THE COMMUNITY**

**5pm – 8pm Monday evening at Orica Admin Building
16 – 20 Beauchamp Road MATRAVILLE
27 JUNE 2005**

The purpose of this discussion paper is to outline a Draft Terms of Reference for the proposed Independent Monitoring Committee required to be established for the Groundwater Treatment Plant.

Orica would like all interested people to:

- read this discussion paper and think about its proposal
- attend the Orica Botany Community Consultation Workshop scheduled 27 June to provide your feedback and provide further input and ideas and/or
- contact Orica to provide your feedback to us directly. Orica can be contacted via:
 - our community contact line on 1800 025 138
 - our postal address: Community Matters, 16-20 Beauchamp Road, Matraville 2036.
 - our email address: info@oricabotanygroundwater.com

This paper should be read in conjunction with the discussion paper on future community engagement processes at Orica Botany that has been issued with this paper.

I. Background:

(a) Broad community feedback

Orica understands that it has not always been the type of neighbour which the community would have liked it to be. Orica wants to improve as a neighbour. The proposal for an Independent Monitoring Committee for the Groundwater Treatment Plant (GTP) is an important initiative that hopefully demonstrates this genuine commitment to improve.

Orica acknowledges that the community felt it had little option but to agree to the GTP in order to stop the contamination reaching Botany Bay. Orica also understands the community's desire for a mechanism by which the community can hold Orica accountable for the operations of the GTP.

The feedback we have received during the development of the Environmental Impact Statement (EIS) on the GTP and its operations, as well as other direct discussions with community members has made it clear to Orica that the very least we can do is

to fund independent technical expertise on behalf of the community to review the monitoring data generated by the GTP operations.

We made that commitment at the time of the EIS and this has now been reinforced through the Department of Environment & Conservation (DEC) as one of the operating conditions for the GTP.

(b) DEC Determination

Orica's commitment was formalised by DEC in its determination of the GTP EIS:

"E10 Independent Monitoring Committee

E10.1 The licensee must establish and service an Independent Monitoring Committee with technical and community representatives. The licensee must provide monitoring information and reports and consult with this Committee as required by the relevant conditions of this licence

Note: The Independent Monitoring Committee may be formed by the licensee by expanding the existing Community Liaison Group currently established and serviced by the licensee".

(c) Community consultation workshop feedback

The two community workshops held earlier this year have provided clearer guidance to Orica around the community needs in establishing an independent technical monitoring panel to advise the Botany Groundwater Community Liaison Committee (CLC). Establishment of this panel means that the CLC will have access to independent technical expertise in relation to the Botany Groundwater treatment plant performance.

Feedback from the community has indicated that the CLC should be the main consultative body through which independent expertise should report. The following section proposes a Terms of Reference which outlines the scope of the independent expertise, and the skills required of the committee's members.

II. Botany Groundwater Independent Monitoring Committee

TERMS OF REFERENCE

Objective

The overarching objective for the Independent Monitoring Committee (IMC) is to satisfy the conditions of the consent as described in 1 (b) above by providing expert appraisal of Orica's performance so that Orica can be held accountable for the operations of the GTP.

Its aim is to provide technical guidance to the CLC and the broader Botany community.

In order to achieve this, the proposed Terms of Reference for the Independent Monitoring Committee are described below:

Scope of Independent Monitoring Committee (IMC)

- I. The IMC will provide independent technical advice to the CLC with respect to Orica's compliance to the conditions of consent for the EIS. By receiving this independent technical advice, the CLC will be more scientifically informed in its discussions with Orica. The broader public will have access to the IMC through the CLC process.
- II. The IMC will have access to all public reports and all raw data in relation to the GTP and other relevant elements captured within the EIS Determination conditions. These will include (but may not be limited to) reports relating to the following:
 - hydraulic containment
 - contaminant containment
 - emissions (to air, water, sewer or land, and noise and odour)
- III. The IMC can also request that additional data be collected (or collect its own data) with the scope agreed between Orica and the CLC.
- IV. It is envisaged that the IMC will deal from time to time directly with Orica and its consultants and will keep the CLC informed of these interactions.
- V. The IMC may, from time to time, and as directed by the CLC produce written reports commenting on issues raised by the CLC and the data collected in relation to those issues. The issues of concern should relate directly to the requirements of the EIS Determination conditions of consent for the GTP, or related environmental concerns.
- VI. The Independent Chair of the CLC is responsible for ensuring that the appropriate member(s) of the IMC attend CLC meetings to ensure technical issues/concerns from the community can be considered by the IMC in its undertakings, and to present outcomes of report/data reviews.
- VII. The IMC will aim to meet at least 2 times a year as a full committee to review its performance. These meetings should also include a member of the CLC as nominated by the CLC. Some work by the committee is also likely to be undertaken by individuals of the committee rather than by the full committee.

- VIII. The IMC will be consulted by Orica in conjunction with the CLC in the selection of the independent auditor (as required by the GTP EIS Determination conditions) to conduct the validation audits
- IX. Each member of the panel must demonstrate to the satisfaction of both Orica and the CLC that he or she can provide genuinely independent and open-minded counsel, to ensure that the technical expert(s) are able to make unbiased technical assessments of the GTP and its operation.

Membership

- X. The technical experts are to be appropriately qualified and endorsed by both Orica and the community (represented by the CLC).
- XI. It is envisaged that the IMC will consist of 2 or 3 people whose skill set will meet the needs of the CLC and is likely to include the following expertise:
- Technology evaluation: plant design, operation and performance
 - Process engineering
 - Ecology
 - Hydrogeology,
 - Hydrogeochemistry
 - Environmental chemistry
 - Statistical analysis
 - Assessment of impacts/effects of dioxins and other
 - Knowledge of air, water, land, sewer quality guidelines
 - Communication skills
- XII. The technical experts will be supported by a secretariat to prepare a summary of documents/reports as directed by the independent experts and to assist in administrative matters where required. Orica is happy to provide this service to the CLC if it so chooses.
- XIII. Experts will be appointed for an initial period of 2 years. This period can be extended subject to agreement between Orica and the CLC.
- XIV. If an expert wishes to resign from the IMC, a replacement will be selected as per the protocols described in items X and XI above. Orica and the CLC should make best endeavours to engage a suitable replacement within the meeting cycle of the CLC (i.e., 3 months).
- XV. If, in the event of the CLC being dissatisfied with an expert with respect to any of the Terms of Reference, then the CLC can replace this expert at any time as long as the replacement is jointly agreed between Orica and the CLC.

Budget, invoicing and reporting

- XVI. Orica will make available a budget of \$100,000 per annum to fund the IMC. The CLC may seek additional Orica funding – either by requesting a supplementary amount for unspecified purposes or by asking for a specific budget for a specific additional task.
- XVII. The experts of the IMC will invoice individually to the CLC. The CLC will then present the invoices to Orica who will honour the payment (as long as it is reasonable and within the annual budget allowance), and pay directly to the

individual experts via electronic funds transfer.

- XVIII. All invoices need to specify detail of the work done. Orica is not obliged to pay for work outside these Terms of Reference (e.g. advocacy support), and each consultant will sign an agreement acknowledging that such work will not be compensated.
- XIX. Orica will provide a quarterly financial report, for presentation to the CLC at the quarterly meetings, of expenditure breakdown and year-to-date expenditure.

Dispute resolution process

- XX. In the event of a dispute between the CLC and the IMC, the Independent Chair of the CLC will mediate between the disputing parties. If resolution is not forthcoming the parties will consider other options such as using a registered mediator to help resolve the conflict.

Review

- XXI. It is intended that the Terms of Reference be a living document and will be reviewed from time to time by the CLC and Orica and amended as appropriate to ensure it remains relevant. Revisions of the Terms of Reference will be agreed by Orica and the CLC. Additional community consultation workshops will not be required, unless requested by the CLC, to make these revisions.

Conduct of meetings and interaction

- XXII. The manner in which IMC meetings will be conducted and the IMC's interaction with the CLC will be reviewed from time to time by the CLC as appropriate.