

## **Orica Mercury Independent Review Steering Panel Update 20 August 2013**

### **Procurement**

Following referee checking and further deliberations since the last panel meeting, the Tender Selection Committee made its formal recommendation to the EPA regarding appointment of an independent reviewer to perform the Stage 1 – Data and Information Collection and Review. The final approvals and contractual arrangements are currently being completed. As soon as these arrangements have been finalised, the panel will be advised.

### **Fisheries Closure, Penrhyn Estuary**

On 21 June 2013, the Department of Primary Industries (NSW Fisheries) gazetted the closure covering *'The whole of the waters of Penrhyn Estuary in Botany Bay from its source to its junction with the Sydney International Container Terminal (SICTL) Bridge leading from Foreshore Road'*. As explained in the email sent to the panel on 4 July 2013, NSW Fisheries have extended the closure area from that previously in place.

A reference was made to the proposed closure of *'that part of Port Botany north of a line drawn from the south-eastern extremity of the third runway to Molineaux Point'* in the minutes of a meeting of the NSW Department of Primary Industries Advisory Council on Recreational Fishing on 28 September 2004. This proposal was not taken forward and the final gazettal was that of Penrhyn Estuary which has now been extended as referred to above.

Issues regarding communication of the current closure, any potential addition of a fishing platform and decisions regarding fishing in the area are the responsibility of NSW Fisheries. The EPA will continue to liaise with NSW Fisheries regarding the signage for Penrhyn Estuary.

Issues regarding Beachwatch water quality reports, Sydney Airport bird strike risk and Sydney Ports, are the responsibility of those respective authorities and, as they are outside the terms of reference of the Independent Review and the EPA, panel members should take up those issues directly with the responsible agencies.

Any findings and recommendations from the Orica Mercury Independent Review that are pertinent to fisheries closures in the area will be communicated to NSW Fisheries for action as necessary.

### **Orica report**

Following a request from the Steering Panel, Orica was formally requested to provide a document to the panel members.

Orica has provided its response and, although concerns are expressed, Orica is prepared to allow panel members to inspect the report at the EPA's offices provided the EPA ensures:

- the report is used for the purpose of the independent review only
- the contents of the report are kept confidential and that information is not disclosed to any other person
- the report is not copied or reproduced
- the report is securely kept and protected from unauthorised use, disclosure, reproduction or access.

The EPA is able to provide access to the report by panel members under the above conditions. If you would like to make arrangements to view the document at an EPA office, or other convenient location, please contact Zack Thomas on 9995 5644.

### **WorkCover records**

WorkCover was requested to investigate if it held any occupational health screening, monitoring data or other information in relation to mercury use at the Botany Orica facility and provide this to the independent review. WorkCover has undertaken a thorough investigation of its records and archives and has reported to the EPA that no records meeting the request were located.

### **Groundwater Exclusion Zones**

Advice was sought from the NSW Office of Water and the EPA Contaminated Sites Section regarding the development of the rationale for the placement of the Groundwater Exclusion Zones.

The creation of the management zones was a precautionary approach to protect public health and the environment. The boundaries of each zone were created based on historical land use, the direction of flow of groundwater in the aquifer, academic research into the hydrogeochemical nature of the groundwater and practical administrative boundaries such as main roads.

The initial groundwater extraction exclusion zone centred on Banksmeadow was established in August 2003, based on known contamination plumes from historical activities at the former ICI site.

In addition to the extraction exclusion zone, three other areas in the northern zone of the Botany Sands Aquifer were identified for additional groundwater management. These zones are centred on Alexandria, Botany and Matraville.

Further information and maps outlining the zones can be found at the Office of Water website here: [www.water.nsw.gov.au/Water-management/Water-quality/Groundwater/Botany-Sand-Beds-aquifer/Botany-Sands-Aquifer/default.aspx](http://www.water.nsw.gov.au/Water-management/Water-quality/Groundwater/Botany-Sand-Beds-aquifer/Botany-Sands-Aquifer/default.aspx)

## Community engagement activities

Listed below are the community engagement activities that have been undertaken by the EPA in relation to the Independent Review and the responses that have been received.

Along with Steering Panel activity and other updates, all of these activities have been promoted on the EPA Botany webpage and Botany community email list members have been advised. There are currently 39 members of the public on this mailing list.

Four general inquiries have been received to the EPA Botany Mailbox along with one telephone inquiry.

Since the Botany webpage went live on 12 February and up till until 18 August:

- The total number of visitations was 978, although this is not necessarily indicative of the number of individual visitors. If a person views the page again more than 30 minutes later, this is considered a new session.
- The average time spent on the site is 3:01 minutes.
- The most popular pdf document, with 79 downloads, is EPA Chair/CEO Barry Buffier's open letter to the Botany community of 15 April, regarding *The Sun-Herald* allegation that the EPA was too close to Orica over the media release on mercury. However again; these may be repeat downloads by the same individuals in different sessions.
- The pdf document with the second most downloads is the Independent Review Factsheet with 76 downloads.
- The EPA presentation from the community meeting of 7 March has had 50 downloads.

## EPA Community Engagement Activities List

Date	Activity	Responses received
22 November	Botany Community Forum, Hillsdale Community Centre	Approximately 17 people attended
25 January	Media Release: EPA to conduct independent review around former Orica Botany	
7 March	Botany Community Forum, Alf Kay Eastlakes Community Hall	37 people attended
15 March	Media Release: Malabar Headland tests show no contamination concerns	
15 April	Open letter from Barry Buffier re independence of the NSW EPA	
16 May	Web Notification: EPA investigation in response to concerns about HCB outside the boundary of Botany Industrial Park	One inquiry received
29 May	Media release: Call for community input on plans to remediate former chlor-alkali site and the EPA's Draft Management Order	
23 June	Community input on former chlor-alkali site Draft Management Order closes	One submission received
28 June	Letter to stakeholders to request promotion of community input to Independent Mercury Review	
30 June	Media release: EPA calling for community input to Independent Mercury Review	
2 July	Advertisements calling for input to Independent Mercury Review in <i>Wentworth Courier</i> and <i>Southern Courier</i> local newspapers	
7 July	Media release: EPA refutes <i>The Sun-Herald</i> claims of contamination cover-up	
9 July	Open letter from Barry Buffier re: Hillsdale Easement testing	
9 July	EPA letter drop to residences re Hillsdale easement testing delivered to 500 houses. Letter sought information from public.	
12 July	Media release: EPA welcomes test results showing there is no health concern for Hillsdale	
12 July	EPA twitter account updated with a tweet about the test results at Hillsdale	
13 July	EPA pop-up at Southpoint Shopping Centre, Hillsdale	Spoke to approximately 40 members of the public whose main issues were planning and development, particularly the Bunnings proposal, general interest and noise issues. Two people inquired about the Hillsdale samples. Six people were added to the email list.
13 July	Barry Buffier and Mark Gifford attend Botany Council Mayor's Community Day at Grace Campbell Reserve, Hillsdale	Spoke to several members of the local community. Main issues were accuracy of information in public arena causing distress and improved communications from council and government agencies.
20 July	EPA pop-up at Southpoint Shopping Centre	Spoke to approximately 10 members of the public whose main issues were planning and odour. Four people were added to the email list.
23 July	EPA twitter account updated with a tweet reminding community members that it is calling for submissions to the independent review into mercury emissions	
26 July	Community input to Independent Mercury Review closes	One submission received

30 July	Deadline for submissions to Independent Mercury Review extended to 16 August	
1 August	EPA website updated to publicise the extension for submissions	
1 August	Media Release: Deadline extended for submissions	
1 August	EPA twitter account updated with a tweet about the extension for submissions	
1 August	Emails about extending the deadline sent to members of the Steering Panel and members of the Botany community email list	
1 August	EPA sought and received support from councils to promote the extension for submissions. Details were posted on Mayor Ben Keneally's Facebook page and in the Mayor's weekly column in the <i>Southern Courier</i> . The EPA also emailed the media release to Randwick Council and requested that Botany Council place a poster on the public noticeboard.	
3 August	EPA pop-up at Botany Council Mayor's Community Day at L'Estrange Park, Mascot	Spoke to approximately 20 members of the public whose main issues were planning and general interest. Two people talked about groundwater usage, one person inquired about the Hillsdale samples and one enquiry was about the recent Caltex incident. Two people were added to the email list.
6 August	Creation of a new page on EPA website dedicated to Hillsdale contaminant testing	
7 August	The EPA emailed all members of the Steering Panel to announce the Management Order issued to Orica to begin the former chlor-alkali plant site remediation project	
7 August	EPA website updated to publicise the Management Order issued to Orica to begin remediation	
7 August	Media release: EPA issues Orica with a Management Order to begin remediation project. Media interview conducted with ABC 702 radio and provided to 2GB radio. Further information responses provided to <i>Southern Courier</i> , <i>The Sydney Morning Herald</i> and <i>Environmental Manager</i> magazine	
7 August	EPA twitter account updated with a tweet about the Management Order	
7 August	Emails sent to members of the Botany community email list announcing the Management Order	
15 August	EPA pop-up at the Central Library, Eastgardens, Westfield Shopping Centre	Spoke to five members of the public whose main issue was general interest. One person was an ex-employee from a paper mill and talked about the mercury issues. Another person talked about HCB at Orica. Another talked about storage of shipping containers. Three people were added to the email list.
16 August	Community input to Independent Mercury Review closes	Four further submissions received