

Community Participation and Review Committee (CPRC) Hexachlorobenzene waste at the Botany Industrial Park (BIP)

Chair's Annual Report December 2013

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1. INTRODUCTION

In this report I cover the CPRC's activities and meetings of 2013, and offer some reflections as I conclude a three-year term as Chair.

For minutes of meetings, and also key documents such as the CPRC's Terms of Reference and the HCB Management Plan, please see the Botany Transformation Projects website <http://www.oricabotanytransformation.com/> where there is extensive documentation of all Orica's remediation projects at the Botany Industrial Park, and of community committee activities.

If you are new to the HCB issue, you could gain an introduction to the history and deliberations of the CPRC from three summary documents accessible via the above website:

- *HCB Waste – a concise history of management and disposal efforts* (issued Dec 2012)
- *Repackaging and Destruction of Stored HCB Waste Fact Sheet* (issued May 2013)
- *2012 Annual CPRC Chair's Report*

2. COMMITTEE ACTIVITIES, MEMBERSHIP and ACKNOWLEDGEMENTS

In 2013, the CPRC held four regular meetings, on 12 February, 14 May, 13 August and 12 November; and an Extraordinary Meeting on 2 July to consider implications of a fire adjacent to the BIP (see below). Also, in October Orica met with CPRC members in a series of small group and individual consultations.

As usual, the CPRC had consistent representation from local government officials and councilors, from state and federal government agencies, the local federal member's office, Orica and other local industry, and from resident groups and interested individuals, universities and environment and education groups.

The key activities of the committee continued to focus on:

- management and remediation of the Car Park (low level) Waste Encapsulation;
- management of the stored (mostly concentrated) HCB waste, including its safe storage, repackaging and environmentally sound destruction.

In addition to these core topics, the CPRC devoted considerable time in 2013 to discussion of procedures and record keeping and also emerging proposals for amalgamation of the CPRC with the Community Liaison Committee (CLC). (See more details below.)

We again thank City of Botany Bay Council and its staff for use of the Town Hall facilities where CPRC meetings are held. Also a particular thank you to Effie Tsoukalas who is our minute taker, and to Lucy Archer who leads the processes of community liaison on behalf of Orica.

At the February CPRC meeting, members recorded their sympathy for the family of Beverley Pickering, a long serving member of the CPRC, who died in December 2012. Members acknowledged and expressed gratitude for Beverley's fine contributions and volunteer spirit. At its November meeting, the CPRC acknowledged the extensive contribution of Nancy Hillier OAM who passed away in September, noting that

the HCB issue was one among many that Nancy addressed in her distinguished life of campaigning on behalf of Botany community.

3. CAR PARK WASTE ENCAPSULATION (CPWE) PROJECT

As I reported last year, the CPWE project concluded site operations at the end of 2012. This was the culmination, after more than three decades, of management, monitoring and remediation designed to contain and treat 45,000 cubic metres of contaminated soil stored under a car park on the BIPs' north-eastern boundary, opposite Hensley Athletic Field. The material held relatively low levels of hexachlorobutadiene (HCB) and other HCB-related chemicals.

We entered 2013 awaiting only the delivery of the EPA-accredited Site Auditor's report, assessing the final outcomes of the treatment project, including the condition of the site. This report has not been presented at the time of writing. At our November meeting, Orica provided the following explanation for delayed audit:

“that soil vapour testing had been conducted, and some vapour detected in low concentrations, and that whilst there is no unacceptable health risk, the site auditor has recommended inclusion of a vapour barrier as a precautionary approach. The barrier is being designed and the design will be reviewed by the site auditor” (Draft minutes CPRC Nov 2013).

Early in 2014, the CPRC will hear an Orica presentation on the vapour testing and associated risk assessment.

4. STORED HCB WASTE

Approximately 15,000 tonnes of mostly concentrated waste (mixed and in various forms) but including some more recently generated low level packaging waste, remains stored in containers at BIP (the 'Stored Waste'). The long history of this waste and the several phases of work in search of a solution are summarized in *HCB Waste – a concise history of management and disposal efforts* (CPRC, Dec 2012).

At all meetings in 2013, Orica confirmed its continuing exploration of technical solutions, and intentions to consult widely with communities at Botany and elsewhere. As the year began, Orica had identified broad options for treatment of the waste:

- A new treatment plant in Australia.
- Export to an existing treatment plant.
- Bioremediation

At the August meeting, Orica confirmed that two specific solutions were under serious consideration, and that neither involved treatment at the Botany site. At the November meeting, Orica presented a draft Stakeholder Plan and reiterated that:

“Orica is still progressing options for the destruction of the HCB waste (with no current consideration for treatment at Botany), [and] is in the process of preparing draft approval documentation and finalizing political and technical risk assessments. Orica [hopes] to announce a proposal early in the New Year, but... it is still a work in progress and it is a delicate issue to progress.” (Draft minutes CPRC Nov 2013).

In 2014, deliberations on the HCB issue will doubtless focus on the proposal that Orica is about to put forward. In its discussions to date, the CPRC has given focus to:

- The need for independent advice within processes of considering options and proposals
- The need for community consultation.

With regard to independent advice, at its February and May meetings, the CPRC debated a proposal for a new Independent Panel, to be appointed by government, that would assemble expertise across technical, legal and public consultation fields to explore options available internationally, assess viable options within the Australian context, and advise on processes of site selection and public consultation. While such a panel could not be implemented in 2013, the CPRC will give further consideration to necessary forms of independent advice relevant to Orica's forthcoming proposal of a solution.

All CPRC members have stressed the need for comprehensive processes of public consultation as a new phase of deliberation gets under way in 2014. Aspects debated at 2013 meetings include the importance of formal processes for public comment, the need for well-planned consultation with all communities affected by a proposed solution, and the need for open and transparent engagement with relevant NGOs.

5. EMERGENCY PROCEDURES

CPRC members called an Extraordinary Meeting held on 2 July with members of the Community Liaison Committee (CLC) and Botany Industrial Park Community Consultative Committee (BIP CCC) also present. We welcomed the attendance by representatives of NSW Police and Fire and Rescue NSW. The purpose was to discuss implications for HCB storage of threat posed by emergencies such as fire, following a significant fire in Meadow Way adjacent to the BIP.

The discussion ranged wider than implications for HCB storage, to include emergency procedures generally at the BIP. Key issues included access to information and the need for enhanced communication strategies and consultation. Outcomes include plans for a new Emergency Services App, circulation of the Meadow Way Fire Investigation Report, and enhanced consultation on emergency and security issues amongst CPRC, CLC and BIPCCC.

6. PROPOSED AMALGAMATION OF COMMITTEES

Discussion about whether to amalgamate the CPRC and CLC has been ongoing in 2013. It is clear that the two committees have significant overlap of membership and some overlapping business, including discussion of community consultation processes and deliberation on BIP legacy issues. (There are also such overlaps with BIP CCC). There is therefore a sense of duplication, and of the need for greater efficiency with regard to meeting schedules and commitment of resources and people's time. Equally there is a need for a specialized approach to HCB management and review, with the likelihood that this will intensify as a solution for the Stored Waste is debated in 2014.

At the close of 2013, there is momentum towards a merging of the committees, though opinion remains divided and the issue remains unresolved. There is concern that the core business of regular CPRC meetings should not be overshadowed by discussion of amalgamation and meeting process. At its November meeting, the CPRC agreed that a separate workshop be held early in 2014 to explore possible Terms of Reference and logistics for a merged committee.

7. CONCLUSION and REFLECTION

Closure for the Car Park Waste project remains elusive until the site auditor's report is complete, though this is anticipated early in 2014. For the Stored HCB Waste, Orica plans to provide a specific proposal shortly, and deliberation on this proposal is likely to dominate CPRC proceedings (or the proceedings of a merged committee) in 2014.

As I conclude my term as CPRC Chair, I want to thank all members and observers for their efforts and contributions throughout 2013. As always, discussion has been robust, bringing forward a wealth of valuable opinions and insights.

The capability for the CPRC to make meaningful contributions to the search for solutions remains dependent on the trust between members and the willingness to embrace citizen perspectives and different forms of knowledge. The CPRC has difficulty achieving a unified vision of what constitutes community consultation and an agreed understanding of who speaks with a 'trusted voice'. As a new phase in the search for solutions commences, independent expertise – both technical knowledge and capability to advise on and lead participatory processes – could be the crucial factor that allows an agreed solution to emerge. As a pre-condition, the CPRC needs to carefully negotiate the form that independent advice will take, and how it relates to inclusive processes of public participation, remembering that there is a significant difference between superficial public engagement and forms of decision making that are genuinely deliberative.

Paul Brown, Chair CPRC
December 2013