

Endorsed Minutes – Q&A Session 21 July 2016

Meeting: Williamtown Contamination Investigation Community Reference Group (CRG)
Date: 21 July 2016
Location: Newcastle Airport Boardroom Time: 3.45pm to 6.40pm
Number: 1610
Chairperson: Jodie Calvert | Principal Coordinator | Department of Premier and Cabinet (DPC)
Secretariat: Cheryl Clarke | Senior Coordination Officer | DPC

Attendees:

Scot MacDonald | Parliamentary Secretary for Hunter & Central Coast
Chris Birrer, First Assistant Secretary | Department of Defence
Air Commodore Craig Heap | Department of Defence
James McLachlan | Department of Defence
Sarah Davis | Department of Defence
David Hartog | Department of Defence
Vicki Pearce | Department of Defence
Seima Darrow | Manager Communications | Department of Defence
Adam Gilligan | Manager Hunter Region | EPA
Jeremy Hillman | Senior Stakeholder & Communications Officer | EPA
Evelina Hendry | Senior Stakeholder & Communications Officer | EPA
Dr Craig Dalton | A/Director Health Protection | Hunter New England Local Health District
Dr Kathryn Taylor | Hunter New England Local Health District
Wayne Wallis | General Manager | Port Stephens Council
Don Burgoyne | NSW Farmer's Association | Community Member & Oyster Farmer
Rhianna Gorfine | President, Williamtown and Surrounds Residents Action Group
Cain Gorfine | President, Williamtown and Surrounds Residents Action Group
Phil Blanch | Community Member and Fisher's Representative
Lyndsay Clout | Fullerton Cove Resident
Julie Bailey | Salt Ash Community First
Robert Gauta | Manager, Commercial Fisherman's Coop
Nick Marshall | Salt Ash Community First

Apologies

Glenda Briggs | Regional Manager | Department of Primary Industries
Justin Hamilton | Fullerton Cove Action Group & Williamtown Salt Ash Flood Group

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Cornelius Disselkoen | Maria's Vegetable Farm | Community Member

Andrew Smith | CEO Worimi Local Aboriginal Land Council | Community Member

Mark Salm | NSW Farmer's Association | Community Member & Oyster Farmer

Number	Action Item	Responsible	Due Date
1610-1	Requested amendments and amended minutes of 7.7.16 to be circulated out of session	DPC	28.7.16
1610-2	Chair to re-send previous email to Defence and DHS regarding production of a Fact Sheet for the Business Transition Payment	DPC	28.7.16
1610-3	DPC to review Fishers Flyer and include additional information on NSW Health funded counselling service and privacy information	DPC	completed
1610-4	Defence to clarify question 14 with details of Defence Contamination Directive #8 and how it is different to EnHealth guidelines values	Defence	4.8.16
1610-5	DPC to re-circulate the tables of community questions/answers with an additional column for community to make comments or seek clarification around the agency responses	DPC	completed
1610-6	Defence to advise on testing of the burial sites and whether they are hotspots and provide further information in question 35 regarding what nearby testing has been conducted	Defence	4.8.16
1610-7	Defence to present to the CRG on contaminated material management	Defence	18.8.16
1610-8	Defence will advise the CRG of the policy and implementation arrangements for Government commitments once settled.	Defence	4.8.16
1610-9	Defence will give further consideration to funding properties for water reticulation that are outside the investigation area as part of the \$3.5 million package.	Defence	4.8.16
1610-10	Circulate media release on federal coalition election commitments regarding Williamtown	DPC	completed
1610-11	Where is the drain between the two Base gates coming from? Where does water come from for the 3 drains on the map? Defence to include more information in their	Defence	4.8.16

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Number	Action Item	Responsible	Due Date
	answer on Moors drain in the table of community questions		
1610-12	Defence to advise on implementation arrangements for voluntary blood testing and arrangements for the reimbursement of those blood tests already paid by community	Defence	4.8.16
1610-13	EPA and DPC to seek update from OEH around works for clearing out drains	EPA/DPC	4.8.16
1610-14	Defence to clarify the situation regarding the resident seeking egg test results and make direct contact	Defence	4.8.16
1610-15	Defence to advise whether testing has been completed for Richardson Road Campvale	Defence	4.8.16

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Meeting minutes

1. Endorsement of Minutes – 7.7.16

Section 3 – clarify that Defence acted to move the affected soil and provide new cleared soil for Salt Ash Public School.

Justin Hamilton forwarded email on afternoon of meeting day with suggested amendments. To be circulated and considered out of session.

Requested amendments and amended minutes to be circulated out of session

2. Actions List

1608-1 EPA advised that roadmap is available for download from the EPA website <http://www.epa.nsw.gov.au/resources/epa/Williamtown-Roadmap.pdf>.

1608-2 Draft DPI communication protocol has not yet been forwarded to Fishers groups for feedback.

1608-5 EPA advised that they cannot provide an estimate of PFAS-impacted groundwater volumes around RAAF Williamtown. This is because investigation works conducted to date by Defence are focused on the human health and ecological risk assessments. Given the short timeframe for off-site investigations and the prioritisation of HHRA sampling, there is an understandably incomplete picture of subsurface conditions off-base.

Key points are that the sort of information needed to make such an estimate (a) hasn't been the aim of the work so far (b) isn't needed to inform the risk assessment work and (c) would require an enormous amount of information given the potential extent of PFAS impacts.

The EPA expects that in time Defence will complete the delineation of the PFAS plumes. But even then, given the size of the impacted area, any estimate of impacted water volumes would be very rough. And it would also depend on the definition of "contaminated" (e.g. 0.5 ug/L, 0.2 ug/L, 0.07 ug/L, background, non-detect) plus additional challenges like estimating aquifer properties like porosity. This information will be included in the table of Q&A.

1608-7 Defence advised that the ESA will include all PFAS results from sampling.

1609-2 Defence confirmed that no samples have been taken from Willow Lane residents. Lindsay Clout reiterated that there are 5 properties that have the contaminated ringdrain running through them and water overflows onto these properties during rain events. Defence advised that property owners should contact the AECOM Hotline directly and request a test to be conducted, if they wished. EPA confirmed that they would seek permission to access private properties to get to a public drain. Rhianna suggested that there be correspondence to affected properties that the drain is contaminated.

Nick Marshall raised concerns around persons having to complete a survey and agree to results being shared in order to have sampling conducted. Defence advised that the purpose of the survey is to understand water usage on the property so that relevant sampling can be conducted. If the results come back as high then there is a requirement to advise the EPA. All information is managed in accordance with legislation.

1609-6 Defence advised that Department of Human Services attempted phone contact with 19 persons and spoke to 15 persons. Letters were forwarded to those

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persons not able to be contacted by phone. Chair noted that previous discussions with Defence and DHS were that a Fact Sheet would be produced which would give guidance on what could be claimed by fishers. Defence advised that claims for Sept 2015 to June 2016 are to be submitted by 28 July 2016.

Chair to re-send previous email to Defence and DHS regarding production of a Fact Sheet on the Business Transition Payment

1609-7 Defence Legal would not discuss individual claims with the Defence First Assistant Secretary.

1609-8 revised mental health flyer completed. Rob and Phil considered the mental health flyer to be too direct and therefore confronting and suggested a preference for the more general fishers flyer. Dr Taylor noted that messaging around privacy is also paramount and should be included.

DPC to review Fishers Flyer and include additional information on NSW Health funded counselling service and privacy information.

1609-9 Lindsay expressed serious concerns about the impacts of the current drains works on Maria's Farm and its spread of contamination, the lack of community consultation on the JRPP approved works and lack of current compliance with the consent conditions. The Chair advised that OEH and PSC are arranging to meet with the Administrator. Any changes to the DA approval regarding the drain will depend on the Administrator's decision to proceed with the construction. Further information to follow. The chair acknowledged OEH's receipt of letter from Lindsay Clout and advised that Richard Murphy OEH will reply directly to Lindsay with information about the next steps.

3. Table of Community Questions

The table of community questions and agencies answers was circulated out of session. Defence sought an amendment to question 6 by replacing PFOA with PFOS. Chris Birrer noted that it is a useful 'live' document and Defence commits to updating information as it becomes available.

The community noted:

- There are questions that have not been adequately answered
- Q. 14 the reference to Defence Contamination Directive #8 is the first time the community has heard this term after ten months. The community expressed frustration and confusion around different terms and the questioned the directive's relevance to the HHRA reference values. Chris Birrer assured the community that there is no attempt by Defence to be secretive. At the time of commencing the HHRA, there were no EnHealth guidelines available. The Defence Contamination Directive is an environmental document not a health based document.

The community expressed confusion around the purpose of the different documents and values/criteria and wants to know who is working off what?

Defence to clarify question 14 with details of Defence Contamination Directive #8 and how it is different to EnHealth guidelines values

The community raised the need for testing of cattle as one of the exposure pathways noting that a resident had previously offered a cow for testing. Adam Gilligan advised that the review of the HHRA by the Expert Panel has not been completed. If there is an issue with testing of exposure pathways then this will be included as part of feedback to Defence.

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DPC to re-circulate the tables of community questions/answers with an additional column for community to make comments or seek clarification around the agency responses

Defence clarified that AECOM is conducting the HHRA with assistance from toxicologist, Roger Drew and that Cardino is the site auditor engaged by Defence.

Adam Gilligan noted that site contamination assessments are completed by the owner of the land or person responsible. They engage a consultant and the EPA reviews the data, methodology and vigour of the assessment completed. NSW Health or consultants such as Therese Manning would assist in reviewing the health aspects. Cain Gorfine asked whether the Williamstown contamination is a Tier 1 contamination? Adam advised that Tier 1 applies to prosecutions, and there is no prosecution being contemplated here as EPA does not have jurisdiction. As a result, the issue has not been characterised in that way.

- Q.35 Lindsay referenced the type of material that has been buried in two locations on base. Adam Gilligan noted that the discovery in itself is not surprising and it is not uncommon to have legacy landfills on sites with long term industrial uses. EPA has no jurisdiction on Commonwealth Land but they have requested Defence provide information to them on forward management. Chris Birrer noted that current practice is different to previous decades and there are safe modern practices in place. The information has been recorded on their contaminated site register. The community sought information on testing of this site and whether it is a hotspot.

Defence to advise on testing of the burial sites and whether they are hotspots and provide further information in question 35 regarding what nearby testing has been conducted and the results.

EPA noted that Hunter Water has recently advised that Grahamstown Dam is clear for drinking water. Test results are posted on Hunter Water website.

Rhianna noted historical sand mining brought back arsenic to the water table and this shut down sand mining. She noted that dewatering and putting it back into the aquifer may have a flow on effect. Chris Birrer noted that Defence met with water experts today will come back with more information to the CRG. Defence confirmed that the filter plant on site is putting back water into the aquifer on a grassed area on the other side of the runway.

Defence confirmed that the filter capacity (23 litres per second) is going through a commissioning process to reach 43 litres per second. The criteria is below drinking water level of 0.02 and Defence is almost always getting below 0.01 apart from one occasion where it was 0.04. There has to be a detection for treatment to be instigated.

Minimal contamination material quantities are being contained on site (eg like a clay). They are sampled, analysed and disposed of in accordance with EPA guidelines.

Defence to present to the CRG on contaminated material management

Lake Cochran Water treatment plant is on track to be operational by the end of September 2016. A Fact Sheet was circulated and is now available for download from the Defence website.

4. Federal Government Election Commitments

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Defence advised that the new Federal Government was sworn in on 19 July 2016. In the absence of an announcement regarding a specific Minister responsible for Defence Estates, Minister Payne will assume overall responsibility. Commonwealth agencies are now working on firstly developing policy and then implementation arrangements for the Government's commitments. The Federal coalition's press release on election commitments included voluntary blood testing, mental health services, EnHealth review, \$3.5million water reticulation and elevating the contamination issue to COAG as an issue of national importance.

There was discussion around whether the \$3.5 million is an additional amount to the \$3.5 million already provided by the NSW Government for water reticulation. Lindsay reiterated that residents' personal costs for compliance certification and compatibility works should be covered by the additional funding. Minister Payne had previously advised community representatives to keep receipts.

The Parliamentary Secretary noted Hunter Water is concerned that not many people are taking up the offer to connect. One likely reason is a person's capacity to be able to pay upfront for connection costs. Community also requested that residents on the fringe of the investigation area should also be connected. Julie Bailey referred to a small number of houses that have been excluded from the water reticulation program but are in the street in which reticulation is being provided and their properties are surrounded by bush.

Defence will advise the CRG of the policy and implementation arrangements for the Federal Government commitments once settled.

Defence will give further consideration to funding properties for water reticulation that are outside the investigation area as part of the \$3.5 million package

Circulate media release on federal coalition election commitments regarding Williamstown

5: Community questions/answers

Moors Drain

Adam Gilligan noted that any suggestion that EPA was withholding results for Moors Drain is incorrect. Moors Drain has been sampled by EPA on a number of occasions including initial monitoring in September 2015 and further testing in late 2015 which extended the investigation area. The test results post flood in January 2016 were discussed at the April 2016 CRG meeting. It was found to be consistent with pre-flood sampling and indicated that flooding had not significantly increased PFOS levels in the area. The figures were to be uploaded to the EPA website, as was the case with September 2015 results, however, an administrative oversight resulted in the January results not being uploaded. Adam noted that the sampling represented two snapshots in time and a spot check to determine whether precautionary measures need to be adjusted. The community had wanted to receive the test results rather than a synopsis of the situation.

Adam Gilligan understood that the figure of 0.43ug/L on Medowie Road is at the point where Moors drain discharges from the Base under the road. The figure of

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0.80ug/L along Nelson Bay Road is the branch of Moors Drain that flows from the main drain towards Nelson Bay Road.

Adam Gilligan referenced community concern regarding foam that emerged in the area last week. A sample was collected and results expected mid next week. Early advice is that it is likely to be another source as PFAS does not foam at the concentrations present at Williamstown.

Nick Marshall noted a variety of results from water coming from the Base and the need for the community to know what is coming their way particularly when their properties are under flood. Julie Bailey raised several questions around the drains for a response from Defence.

Where is the drain between the two Base gates coming from? Where does water come from for the 3 drains on the map? Defence to include more information in their answer on Moors drain in the table of community questions.

6. Agencies updates

Defence

Defence will publicly release the Environmental Site Assessment and the Human Health Risk Assessment in the week of 8 August 2016. Defence will hold a community engagement event on 9 August and drop-in sessions on 10 August. Defence invited suggestions for an appropriate venue.

It was clarified that the Expert Panel is not approving the reports. The role of the Expert Panel is to review the HHRA report to ascertain whether they are satisfied with its scientific and methodological rigour and that conclusions drawn from the data and calculations are appropriate. Feedback will be provided to AECOM for further consideration. The next Expert Panel meeting is 25 July 2016.

Rhianna Gorfine raised the issue of the need for more biota sampling and, in particular, testing of cows. Defence advised that they will release all data to date and will conduct more testing, if required. Adam Gilligan noted that EPA will attend the Defence presentation but may not be in a position to make decisions based on the draft report. Phil Blanch noted that Fishers need 1 months notice regarding fishing closures (i.e. by 1 October). Fishers are using the \$20,000 to keep tools up to date but this will be useless if fisheries remain closed.

Rhianna asked whether Defence is obliged to enact EPA recommendations. A. Technically No. However, Defence has funded contractors to conduct the investigations and would be concerned if the contractors have not taken on notice comments from the EPA and Expert Panel.

There was discussion around the need for the reports to be in an easily understood format. Defence advised that the reports are complex and technical in nature but there is a significant focus on making the executive summary, introduction and conclusions understandable. NSW Health offered to conduct a pre-release education session at the next CRG to help the members understand HHRA and environmental risk assessments.

NSW EPA

Adam welcomed Evelina Hendry as the new EPA Communications and Engagement Officer. Evelina replaces Jeremy Hillman who will be involved out of the Sydney office. The CRG thanked Jeremy for his commitment and efforts in supporting the local community and the CRG.

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Port Stephens Council

The next stage of the Love Seafood Love Port Stephens seafood branding campaign is due to commence in August 2016.

7. General Business

Defence

Chris Birrer advised that the Secretary of Defence and Chief of Defence Force continue to place priority on contamination issues and to engage with the community on the way forward. Defence welcomes written questions from the community as it allows Defence to communicate in a clear way. Chris Birrer will follow up on election commitments and provide advice as soon as possible.

Blood Testing

Chris Birrer confirmed that funding voluntary blood testing will come from the \$55m set aside for the Government's commitments (this excludes the \$3.5m water connection funding). Defence is engaging with Federal Health to work out implementation arrangements. Minister Payne had previously advised community members to keep receipts where blood testing has already been undertaken and paid for by the community.

Defence to advise on implementation arrangements for voluntary blood testing and arrangements for the reimbursement of those blood tests already paid.

Drains

Lindsay noted the ongoing issues with flooding from the intersection of the 10' drain with the 14' drain. The drain needs to be cleared. EPA has not prevented any agencies conducting clearing works.

EPA and DPC to seek update from OEH around works for clearing out drains

Email from resident

Nick Marshall referred to an email from a resident regarding: delays in obtaining egg results from Defence; public release of report to EPA without copy to resident; and no call back from Defence Hotline. Defence to clarify the situation for the resident.

Defence to clarify the situation regarding the resident and make direct contact

Richardson Road Campvale

Nick Marshall requested advice on whether there has been testing completed for Richardson Road Campvale.

Defence to advise whether testing has been completed for Richardson Road Campvale

Bottled Water

Phil Blanch advised that there have been issues with the bottled water deliveries

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to a number of residents. Defence advised that there was a breakdown in contractual arrangements and will rectify the deliveries.

8. Future meetings

4 August 2016.

Meeting closed Meeting closed 6.40pm

Next meeting: The next meeting will be held on Thursday 4 August 2016 at Newcastle Airport Boardroom.