

**ENVIRONMENT PROTECTION AUTHORITY
LEAD EXPERT WORKING GROUP
LEAD EXPOSURE MANAGEMENT FOR SUBURBS AROUND THE FORMER
PASMINGO SMELTER SITE**

Minutes - Meeting No. 7

11 November 2015, 15:00 – 17:15

Chair: Adam Gilligan (EPA).

Working Group Attendees: Dr Craig Dalton (NSW Health), Graeme Nyland (Environ – Contaminated Site EPA Accredited Auditor), Dean Chapman (Lake Macquarie City Council), Matthew James (EPA Contaminated Sites Section).

Secretary: Rachael Martin (EPA) – standing in for Lauren Spring (EPA).

Apologies: Associate Professor Stephen Cattle (University of Sydney), Professor Mark Taylor (Macquarie University).

Agenda Item A – Welcome

1. Agenda Item 1 – LEWG Adoption of Agenda

Agenda adopted unanimously.

2. Agenda Item 2 – Declaration of Interests

Lead Expert Working Group (LEWG) members have declared any interests on their acceptance and pecuniary interests declaration and undertaking forms provided to the EPA. No additional interests were raised.

3. Agenda Item 3 – Endorsement of Previous Minutes (attached)

Minutes of Meeting No. 6 adopted unanimously without amendment.

4. Agenda Item 4 – Updates on the following matters:

4.1. Waste Disposal Options Program

Adam Gilligan met with Newcastle City Council (NCC) last week to discuss future waste disposal options for lead slag impacted soils at their Summer Hill waste facility. NCC raised some concerns regarding operational requirements of the general immobilisation approval (GIA) to dispose such waste. EPA and NCC are continuing to work cooperatively to seek an acceptable outcome.

4.2. CLRG Matters – Action 2 and Action 10

ACTION 2: The EPA to develop an effective community engagement strategy for the work of the LEWG.

The following community engagement strategy matters of the CRG have occurred since the last meeting:

- CRG will hold a community information session to be held on 2nd February 2016 at the Boolaroo Public School. Representatives from the LEWG have been invited to attend.
- CRG presence at the Sustainable Living Festival was an effective way to engage with the community. It was noted there was a lot of information exchange between CRG members and the public.

At the recent CRG meeting, a lack of information exchange between the CRG and LEWG was discussed. The LEWG agreed to engage with the CRG during the report writing process, and to seek guidance from the CRG on how they might integrate their contributions into the report. It was also proposed that the LEWG should tap into the extensive skill base within the CRG to better understand the community issues. In addition, EPA has agreed to support a community-based project to investigate the potential use of urban plants for phytoremediation of lead-contaminated soil.

This Action remains as ongoing.

ACTION 10: The EPA to consider developing a suitable public sharing arrangement for the information exchange portal.

The new Microsoft information exchange portal is not working well. The old system has been resurrected and is to be continued for use. EPA will liaise with the LEWG to ensure all members are able to access the portal, and to address any functioning issues that may need to be reported.

This Action remains as ongoing.

5. Agenda Item 5 - Literature review – Action 4 and 15

ACTION 4: The EPA to commission an external party to conduct a literature review of smelter remediation practices in order to establish 'best practice'.

The final literature procurement document is to be posted on the NSW Tendering Website in the near future. LEWG members were invited to distribute the Tender document to their appropriate network of contacts. It was agreed that, depending on the number of Tenderers received, the Tenderer will be selected by a panel of 3–4 people using an appropriate selection criteria.

The proposed due date for the completed Literature Review document is 12 February 2016.

This Action remains as ongoing.

ACTION 15: LMCC to invite Council Planner(s) to LEWG meeting #6 to describe the planning process and controls currently in place for management of legacy contamination in the Council area.

Dean Chapman distributed a draft map showing the contamination/remediation status of individual properties (for the purposes of planning) within the LAS grid displaying existing notations. The different notations represented on the map overlay were discussed. Council have based the notation on Health Investigation Levels (HILS) described in the NEPM in accordance to legal advice Council has received. LEWG members noted issues regarding the

complexities of individual notations, and how the map aligns with SEPP 55 requirements and the NEPM. These issues are to be workshopped at a future meeting. This Action remains as ongoing.

MILESTONE 2: Literature review scope, tender, review, award and final report.

6. Agenda Item 6 - Update on status of CHO June/July 2015 Blood Lead Program report

Craig Dalton informed the LEWG that the final Blood Lead Program report should be posted online by the end of the week. The report observed no excess accumulations of lead in children in North Lake Macquarie (NLM), and that the lead exposures in NLM are comparable with other localities in NSW. NLM is scheduled to be removed from the NSW lead endemic list.

7. Agenda Item 7 - The LAS – Actions 8, 11 & 16

7.1. The Grid

Refer to LAS discussions.

7.2. Information Exchange Portal

ACTION 8: LMCC to consider how it can best share the existing LAS data set in an appropriate spatial manner. Ongoing: Council is streamlining a 'certificate' system, which is a property enquiry system that can possibly go online. Making the data accessible and useable is an ongoing process.

NSW planning legislation relating to contaminated land (SEPP 55 and associated documentation) is complex and it is necessary for residents to have access to clear and consistent planning advice. Council has attempted to do this in their updated fact-sheets. There was general agreement among the group that the recently observed blood lead levels among children in the NLM were not sufficient grounds for a blanket statement of no risk in the area. Rather, it is more appropriate to identify and define any remaining risks, and management control measures.

The LEWG agreed that it is important to clarify in the report the role of the NEPM and SEPP55, and to determine whether current planning policies surrounding lead contamination in NLM are adequate.

ACTION 11: The EPA to provide relevant documentation regarding the development and regulation of the LAS to the LEWG. This action is ongoing. As previously stated, Adam Gilligan noted that given the obligation to creditors, there is an objection to releasing this information. The EPA will consider if the documents should be released under the *Government Information (Public Access) Act 2009*.

Adam Gilligan informed the LEWG that documents requested under the GIPA Act have been released. The documents relate to the Lead Abatement Strategy for the NLM area, in order for the LEWG to continue the review process.

7.3. Other Action Items

ACTION 14: Develop a work plan which will provide an in-house review of the LAS.

A list of key objectives in the form of questions and sub-questions were devised for the in-house review of the LAS. It was agreed to acknowledge that the LAS was not designed to abate every property within the grid. Similarly, it is important to acknowledge that the LAS was to abate smelter fume and dust only. There was general agreement regarding the importance of viewing the LAS from different Agency perspectives. Also discussed were different scenarios in which lead exposure may still occur in backyards which received abatement.

ACTION 16: LEWG to Review Schedule A— *Recommended general process for assessment of site contamination* of the NEPM (risk matrix for decision making) and make recommendations on the suitability of this decision making process for lead contamination in NLM.

It was agreed that a systematic review of Schedule A of the NEPM would be a useful exercise for determining the suitability of its application within the NLM.

MILESTONE 3: LAS review work plan development, implementation and report to the LEWG.

8. Agenda Item 8 - Other Business

8.1. Vege Safe Grant Application

Chair to discuss the outcomes of the application with the grant applicant (MT).

8.2. Draft Table of Contents for LEWG Report

The table of contents for the LEWG report have been finalised. A project officer, Rachael Martin, has been employed by EPA to coordinate the report, and write chapters 1-5. A revised completion date the report (previously scheduled for December 2015) is April 2016.

MILESTONE 4: LEWG report by April 2016.

8.3. LMCC EMP and Lead Fact Sheets

In September 2015, LMCC distributed the EMP for Contaminated Land in Council's Care and Control and a series of lead fact sheets, to the LEWG for comment. The EMP is due for review by end 2015 financial year. It was suggested that the current EMP may need an extra chapter that specifically addresses the way in which Council deals with black slag, and that a systematic approach is required to determining the potential risks, especially those risks associated with potential lead loads entering waterways.

Action 17: LEWG members provide comments on the EMP and lead fact sheets to LMCC.

9. Agenda Item 9 - Working Group Administration

Meeting expenses

A half day sitting fee of \$110 or full day of \$220 as nominated in the "Classification and Remuneration Framework for NSW Government Boards and Committees" prepared by the Public Service Commission Directive 2012 will be available to those eligible members.

Invoices for claiming meeting expenses should be sent to the Secretary of the LEWG for processing.

10. Agenda Item 10 – Confirmation of Actions

11. Next meeting date proposal

It is proposed that the outstanding Actions from the LEWG meetings be addressed in the second LEWG **workshop** to be held on a date to be confirmed in June 2016.

Completed and ongoing Actions from Meetings #1 to #7.

Note: Ongoing Actions will be referred to the second LEWG workshop.

Reference	Action Number & Item	Responsible for Action
December 17 (Agenda Item #2)	<p>ACTION 2: The EPA to develop an effective community engagement strategy for the work of the LEWG.</p> <p>The EPA's representation on the CRG is the ongoing arrangement for the community to engage with the EPA. Once the terms of reference of the LEWG are complete it is likely that the EPA-established Lead Strategy Group will serve as a platform for the CRG to raise any ongoing concerns regarding technical lead contamination issues. While the Lead Strategy Group already performs this function, this communications arrangement will be formally recommended by the LEWG in the final report.</p>	All
December 17 (Agenda Item #2.1.2)	<p>ACTION 4: The EPA to commission an external party to conduct a literature review of smelter remediation practices in order to establish 'best practice'.</p> <p>The EPA, in consultation with the LEWG, has engaged a contractor to undertake the literature review. <u>Significant findings from the review will be discussed during the second LEWG workshop.</u> Key recommendations based on these discussions will be detailed in the LEWG report.</p>	All
January 29 (Agenda Item #6)	<p>ACTION 8: LMCC to consider how it can best share the existing LAS data set in an appropriate spatial manner.</p> <p><u>Some aspects of this action were discussed in Workshop 1. The Action will be finalised in the second LEWG workshop.</u> Key recommendations based on these discussions will be detailed in the LEWG report.</p>	LMCC
January 29 (Agenda Item #8)	<p>ACTION 10: The EPA to consider developing a suitable public sharing arrangement for the information exchange portal.</p> <p>Actioned.</p>	EPA
March 26 (Agenda Item #6.2)	<p>ACTION 11: The EPA to provide relevant documentation regarding the development and regulation of the LAS to the LEWG.</p> <p>Actioned.</p>	EPA
July 20 (Agenda Item #5)	<p>ACTION 14: Develop a work plan which will provide an in-house review of the LAS.</p> <p>The LAS was reviewed at the first LEWG workshop (17 February 2016) – refer to Action 16. <u>Any outstanding issues not captured in the first workshop will be addressed during the second LEWG workshop.</u></p>	All

Reference	Action Number & Item	Responsible for Action
July 20 (Agenda Item #5)	<p>ACTION 15: LMCC to invite Council Planner(s) to LEWG meeting #7 to describe the planning process and controls currently in place for management of legacy contamination in the Council area.</p> <p>Actioned.</p>	LMCC
November 11 (Agenda Item 7.3)	<p>ACTION 16: Review Schedule A of the NEPM (risk matrix for decision making) and make recommendations on the suitability of this decision making process for lead contamination in NLM.</p> <p>Review completed during LEWG Workshop (17 February 2016). The recommendations developed during this review will be discussed at the second Workshop and incorporated into the LEWG report.</p>	All
November 11 (Agenda Item 8.3)	<p>ACTION 17: Provide comments on the EMP and lead fact sheets to LMCC.</p> <p>Documents will be reviewed by the LEWG and discussed during the second LEWG workshop.</p>	All
December 17	<p>ACTION 1: Comments from LEWG members on the DRAFT ToR should be provided to the LEWG Secretary by the 23rd December 2014.</p> <p>Actioned.</p> <p>ACTION 3: LMC Council, NSW Health and EPA are to inform the LEWG of its existing Community engagement programs and information held regarding lead issues.</p> <p>Actioned.</p> <p>ACTION 4.1: LEWG Members to provide comment to the EPA regarding the draft literature review procurement document for potential endorsement prior to the next meeting.</p> <p>Actioned.</p> <p>ACTION 5: An information exchange portal is to be established by the EPA for the LEWG.</p> <p>Actioned.</p>	
January 29	<p>ACTION 6: NSW Health with input from the EPA to develop a response protocol in the event of elevated blood lead results.</p> <p>N/A – response protocol not required.</p> <p>ACTION 7: LMC Council to provide a copy of the ‘EIS – Pasminco Environmental Upgrade.’</p> <p>Actioned.</p> <p>ACTION 9: Mark Taylor to distribute his draft paper on the data collected around the former lead smelter to LEWG members for discretionary comment.</p> <p>Actioned.</p>	
March 26	<p>ACTION 12: The EPA to invite Tony Morrison to a future LEWG meeting to present about slag morphology.</p> <p>Actioned.</p>	

Reference	Action Number & Item	Responsible for Action
	<p>ACTION 13: Request a presentation from the NHMRC working group (Brian Gulson and/or Wayne Smith) regarding the report and its recommendations.</p> <p>Actioned.</p>	

Milestone established in meeting #1 (Dec 2014), updated in meeting #7 (August 2015).

Milestone Number	Milestone Item	Responsible for Updates on Milestone
#1	MILESTONE 1 (completed): June/July 2015 blood lead program reported to LEWG in July/August 2015	NSW Health
#2	MILESTONE 2: Literature review scope, tender, award and final report.	All
#3	MILESTONE 3: LAS review work plan development, implementation and report to the LEWG.	All
#4	MILESTONE 4: Completion of LEWG Report by April 2016.	All

Attachments: