

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

Minutes - Meeting #3

26 March 2015, 14:00 - 15:30am

Chair: Adam Gilligan (EPA)

Working Group Attendees: John Coffey (EPA), Dr Craig Dalton (NSW Health), Graeme Nyland (Environ), Associate Professor Stephen Cattle (University of Sydney) and Dean Chapman (Lake Macquarie City Council).

Secretary: Matthew James (EPA)

Other Attendees: Sandra Carlson (NSW Health)

Apologies: Professor Mark Taylor (Macquarie University), Tony Farrell (Lake Macquarie City Council).

1. Agenda Item 1 – Welcome and 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 member's acceptance and pecuniary interests declaration and undertaking forms provided to the EPA.

No further updates.

3. Agenda Item 3 – Endorsement of previous minutes

Minutes adopted unanimously without amendment.

4. Agenda Item 4 – Updates

4.1. Blood Lead Program for 2015

The US Food and Drug Administration (FDA) approval has still not been received for the Lead Care Plus point of care blood lead test. The manufacturer has advised that approval is expected "in the first part of this year".

Since announcing the 2015 blood lead program:

- Six families have enquired regarding children's health relating to lead exposure.
- Since offering free venous blood testing locally a few children have had blood lead testing performed and all were below 5 ug/dl.

If the FDA approval does not come soon NSW Health will consider alternatives including using the less sensitive Leadcare II but in consultation with the community. This should be discussed with the Community Reference Group (CRG) once it is formed should the FDA approval still not be received.

- 4.1.1. ACTION 6:** NSW Health with input from the EPA to develop a response protocol in the event of elevated blood lead results.

Update: Amend Action: NSW Health to share clinical response protocols when finalised. (EPA input not required.)

- 4.1.2. MILESTONE 1:** March/April 2015 blood lead blood lead program reported to LEWG in May 2015.

Update: Delayed until at least April/May 2015.

4.2. Waste disposal options program

The Pasmenco containment cell is now closed. The cell cap is under construction. Ferrier Hodgson (FH) has advised that no further material is able to be received.

The EPA has received results back from the waste classification sampling project. The results and other data has been used to draft a 'General Immobilisation Approval' (GIA) which applies for disposal of lead and lead-slag impacted soil from the areas in the Lead Abatement Strategy (LAS) grid at a suitably licensed landfill.

The EPA waste classification sampling results showed that both the slag and the lead-dust impacted soil are stable under neutral pH conditions and, as such, an isolated burial is required. A report is being drafted with the results and an interpretation which will be presented to the Working Group upon finalisation.

Council has requested that it be able to review the draft GIA and provide comment.

Under the GIA no further sampling or analytical testing will be required by residents in the Lead Abatement Strategy (LAS) grid. For 'other generators' of similar waste outside of the LAS grid, the GIA can be used; however, analytical testing (distilled water leachability) results would be required.

The EPA continues to liaise with local landfill facilities regarding disposal requirements and options.

The EPA will establish a framework by which waste materials can be received by a local landfill under this GIA without the 'waste levy' applying and a suitable waste tracking procedure in place.

4.3. Community Reference Group

4.3.1. CRG update

Ten nominations were received from interested community members. Six will be asked if they would form the group with two Councillors and the Chair (Greg Piper). The nominations represent a suitable cross-section of the community.

Interested community members will be contacted shortly and the group will convene after Easter, possibly at a joint meeting with the LEWG.

- 4.3.2. ACTION 2.1:** LEWG Members to be provided with the Terms of Reference for the CRG and consider options for how best the LEWG and CRG can work cooperatively and effectively together.

Update: A joint meet and greet style meeting between the LEWG and the CRG should be convened as the first meeting of the CRG.

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

Update: This will be discussed with the CRG at a joint meeting. Consideration will be given to developing a communication plan and information sharing mechanism between the LEWG, CRG and the North Lake Macquarie community.

4.4. Other Action items

ACTION 7: LMC Council to provide a copy of the EIS – Pasminco Environmental Upgrade to LEWG members.

Action 7 completed.

ACTION 9: Mark Taylor to distribute his draft paper on the data collected around the former lead smelter to LEWG members for discretionary comment.

Update: The paper is still under peer review and will be distributed when the external review process is complete. Prof Taylor has subsequently shared the Abstract for the paper, which has been passed onto the LEWG members.

5. Literature review

- 5.1. ACTION 4.1:** LEWG Members to provide comment to the EPA regarding the draft Literature review procurement document for potential endorsement at or prior to the next meeting.

5.2. Discussion

Comments on the second draft have been received and are being processed by the EPA.

In summary, the outstanding matters relate to:

- **Timing:** Should the 2015 Blood Lead Program inform the literature review?

NSW Health considered that the latest blood lead data could inform the literature review; however that would mean delaying the literature review.

Outcome: The Working Group agreed that using the most current (2006) and historical blood lead data was adequate to inform the literature review at this stage. As the tender process progresses, data from the latest round of testing will be able to be provided. The findings of the literature review and the 2015 blood lead information would then inform the Working Group for its recommendations.

- **Context:** The LAS and other Abatement Strategies in North Lake Macquarie.

The Literature review needs to set the context for the approach taken by FH and the EPA for the LAS. Remediation strategies are always site specific and must be targeted. Future risks and ongoing management/maintenance issues also need to be considered.

The LEWG is to assess the complexity of the issues at North Lake Macquarie. It is not in the Terms of Reference of the Working Group to compare the North Lake Macquarie community's issues with issues of other (vulnerable) communities.

Outcome: The background section will provide further information to better reflect the context of the LAS and the complexity of issues in North Lake Macquarie.

- **Tender process:** Open tender versus select tender

Consideration should be given to a select tender process for the sake of efficiency. An open tender will ensure greater transparency however may take more time to allow for complete assessment of a greater number of proposals.

Avenues for finding suitable candidates could include; academic channels; the Australian Land and Groundwater Association; Australian Contaminates Land Consultant Association; the Cooperative Research Centre for Contamination Assessment and Remediation of the Environment; and the International Committee on Contaminated Land.

Outcome: The literature review tender will remain an open tender distributed widely through various networks in academia, government and professional bodies or other channels available to the LEWG members.

5.3. Adoption of Scope

Deferred due to unresolved issues.

A third draft of the literature review scope will be presented under Action 4.1 to the LEWG for consideration.

6. The LAS

ACTION 8: LMC Council to consider how it can best share the existing LAS data set in an appropriate spatial manner.

The transfer of data from the FH systems to Council systems is a work in progress towards being able to review the data set spatially.

6.1. Council update regarding the LAS

6.1.1. Land use planning

Online property enquiries inform the community as to the state of a property as:

- Contaminated
- Potentially contaminated
- Assessed and above or below the appropriate land use Human Health Investigation Level Criteria.

6.1.2. Development assessment

The Council's Contaminated Land Policy details the procedures for assessment of contamination under a development application.

6.1.3. Property certificates

Three different Section 149(2) Planning Certificate notations apply to properties within the City:

1. **"Contaminated or potentially contamination land"**

(note – relating to land that has been impacted by a contaminating industry and no further works have been undertaken)

2. **“Contaminated or potentially contaminated land that has undergone some form of remediation or abatement”**

(note – largely specific to properties in the LAS that have participated in the LAS testing and abatement program, and are above the contamination threshold)

3. **“Contaminated or potentially contaminated land that has undergone some form of testing and found to be under the threshold for contamination”**

(note - relating to properties within the LAS and elsewhere, for which testing has shown that contaminants are below the contamination threshold).

Other information that is shared includes the Last Whistle Booklet and the Hunter New England Health DVD.

6.2. EPA – Development and regulation of the LAS

Discussion deferred to next meeting. However an action was flagged to inform further discussions and the literature review.

ACTION 11: The EPA to provide relevant documentation regarding the development and regulation of the LAS to the LEWG.

7. Agenda Item 7 - Other Business

7.1. Vege Safe Grant Application

Deferred to Next meeting

7.2. Letter to the EPA from former Pasminco employee regarding slag

A former employee provided information regarding Pasminco slag and its properties. The EPA provided this letter for consideration of the LEWG members.

The working group appreciated correspondence of this matter and regards its understanding of lead speciation and fate and transport of heavy metal contaminants in the environment as adequate. However, should further information regarding the operation of the former smelter be required it will be considered as an option to invite former smelter employees to contribute to the working group.

7.3. Council propose to invite Tony Morrison to present his research about slag morphology to the Working Group.

ACTION 12: The EPA to invite Tony Morrison to a future LEWG meeting to present about slag morphology.

8. Agenda Item 8 - 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.

9. Agenda Item 9 - Confirmation of Actions

Action Number	Action Item	Responsible for Action
December 17#2	<p>ACTION 2 (ongoing): The EPA to develop an effective community engagement strategy for the work of the LEWG.</p> <p>ACTION 2.1: LEWG Members to be provided with the Terms of Reference (ToR) for the CRG and consider options for how best the LEWG and CRG can work cooperatively and effectively. (ongoing)</p>	All
December 17#4	<p>ACTION 4 (ongoing): The EPA to commission an external party to conduct a literature review of smelter remediation practices in order to establish 'best practice'.</p> <p>ACTION 4.1: LEWG Members to provide comment to the EPA regarding the draft literature review procurement document for potential endorsement at or prior to the next meeting. (ongoing)</p>	All
January 29 #1	ACTION 6: NSW Health to share clinical response protocols when finalised. (ongoing)	NSW Health
January 29 #3	ACTION 8: LMC Council to consider how it can best share the existing LAS data set in an appropriate spatial manner. (ongoing)	LMCC
January 29 #4	ACTION 9: Mark Taylor to distribute his peer reviewed paper on the data collected around the former lead smelter to LEWG members for discretionary comment. (Abstract provided after meeting - ongoing)	All
January 29 #5	ACTION 10: The EPA to consider developing a suitable public sharing arrangement for the information exchange portal. (ongoing – discuss with Community Reference Group)	EPA
March 26 #1	ACTION 11: The EPA to provide relevant documentation regarding the development and regulation of the LAS to the LEWG.	EPA
March 26 #2	ACTION 12: The EPA to invite Tony Morrison to a future LEWG meeting to present about slag morphology.	EPA

Milestones established/updated from meeting #3

Milestone Number	Milestone Item	Responsible for Updates on Milestone
#1	MILESTONE 1: April/May 2015 blood lead program reported to LEWG in May 2015.	NSW Health