



ENVIRONMENT PROTECTION AUTHORITY

## **MEETING No. 4 Newcastle Community Consultative Committee on the Environment (NCCCE)**

### **MEETING MINUTES**

**Date:** 19 December 2011      **Time:** 9:00am

**File:** FIL11/10927-02

**Meeting Location:** Newcastle City Town Hall, Level 2 Reception Room, King Street, Newcastle

**In attendance:** John Tate (Chair); Zoe Rogers (Environment); Graham Woods (Industry); Nick Godfrey-Smith (Industry); Paul Thomas (Industry); Keith Craig (Community); Kate Johnson (Community); Paul McBain (Minister Nominee); Adam Gilligan (Newcastle City Council)

Environment Protection Authority (EPA): Karen Marler, Jackie Teal.

#### **1. Welcome from the Chair**

#### **2. Apologies**

There were no apologies

#### **3. Forward Planning for 2012 Meeting**

Agenda Item 8 was discussed early in the meeting. The Committee members agreed to meet on the second Wednesday of each month in 2012 with the first meeting for 2012 being held on Wednesday 8 February 2012 commencing at 5:30pm. The Chair advised that he will confirm his availability.

#### **4. Minutes of Previous Meeting**

Graham Woods identified some spelling errors to his and Keith Craig's names in the draft minutes of Meeting No. 3. Zoe Rogers identified that the meeting end time was incorrect and should be 7:45 pm. With these corrections made the minutes were adopted as a true and accurate record (moved by Nick Godfrey-Smith, seconded John Tate).

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## 5. Actions arising from Previous Meeting

- Action 1:** Hard copies of all presentations have been provided to the Committee and will be published on the Committee's web page on the OEH website.
- Action 2:** A copy of the Orica start up verification matrices for the ammonia storage and the ammonia plant and a copy of the EPA's determination report were provided to the Committee members and will be attached to the minutes of meeting No. 3.
- Action 3:** A formal mechanism for Orica to make presentations and provide updates to the NCCCE will be considered by the EPA.
- Action 4:** The Executive Officer will provide a letter for the Chair's signature.
- Action 5:** Adam Gilligan offered to provide a presentation to the February 2012 meeting on emergency management procedures.
- Action 6:** A community forum is proposed for around March 2012 to provide the community with information about air quality and the EPA's investigations for the Newcastle air quality monitoring network. Arrangements for the forum will be made in consultation with the NCCCE. Professor Howard Bridgman, President of the Clean Air Society of Australia and New Zealand (CASANZ) has offered the services of CASANZ to help facilitate the Forum.

Paul McBain asked about follow up by Newcastle City Council regarding community notification of asbestos removal activities.

**ACTION 1:** Adam Gilligan to investigate possible procedures for notification of residents when asbestos removal activities are proposed.

## 6. Lower Hunter Monitoring Network – Stockton Monitoring Proposal – Presentation by Keith Craig

**ACTION 2:** EPA to include "ASP" in updated acronym list as well as a brief description for the ASP, TEOM and BAM monitoring technologies.

There was some discussion as to why TSP was not proposed to be included in the Stockton monitoring proposal. Keith Craig advised that TSP monitoring was considered to be 'old technology' and not useful for health assessment.

Adam Gilligan stated that in terms of managing community expectations – people see dust and wonder if it is affecting their health. If monitoring is included for TSP as well as PM<sub>10</sub> – can obtain good information to confirm that in the event that TSP is high and PM<sub>10</sub> is low that while dust is visible – it is unlikely to be adversely affecting your health.

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Karen Marler commented that wider community consultation is required to gauge the community's views on air quality issues and what the community wants monitored.

John Tate asked about the process for industry to contribute to the establishment of the Stockton monitoring station as industry will be asked to make a contribution to the Newcastle network. John asked that the Stockton Community Action Group (SCAG) advise the NCCCE when any presentation(s) to the Stockton community occurs so NCCCE members have the opportunity to attend.

**ACTION 3:** Keith Craig to advise the NCCCE of the date and time for presentation(s) to the Stockton Community regarding the Stockton monitoring proposal.

John Tate requested information regarding who the consent authority would be for approval for Orica to establish a temporary monitoring station in Stockton.

**ACTION 4:** Adam Gilligan to investigate and report to the NCCCE regarding who the consent authority would be for the establishment and operation of a temporary air quality monitoring station.

The Committee agreed to note Keith Craig's briefing and thanked Keith for his presentation.

## **7. Update on Orica – Karen Marler, Head Regional Operations Unit, Hunter Region, EPA.**

Karen Marler provided a brief update on the Orica start-up process.

Keith Craig requested information regarding:

- a) the changes that have been made to Orica's Environment Protection Licence since the pollution events occurred; and
- b) the changes that have been made to the Environment Protection Licence as a result of the approval issues for the upgrade/expansion of the Orica plant?

Keith Craig also stated that current Oxides of nitrogen (NO<sub>x</sub>) emissions are around 1000ppm from the Orica plant and asked:

- a) Why is the EPA allowing NO<sub>x</sub> to be emitted in excess of legislated levels?
- b) Why is there no limit on PM<sub>10</sub>, PM<sub>2.5</sub>?
- c) Why does NSW legislation not reflect world's best practice?
- d) Why is not Orica required to monitor particle emissions?

**MOTION (Keith Craig/Kate Johnson)** - That a review of world's best practice in relation control of NO<sub>x</sub> (NO<sub>2</sub>), PM<sub>10</sub> and PM<sub>2.5</sub> particles from ammonium nitrate plants be conducted by an independent consultant and provide a report to the NCCCE.

John Tate commented that the issues raised by Keith Craig were very technical matters and suggested that the specific questions and the wording of the motion be provided in writing. John supported the generation of the report as it will provide good information for the NCCCE to consider.

Grahame Woods asked how the contracting of a consultant could be funded.

Keith Craig stated that it was his understanding from the Minister that the NCCCE was resourced.

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Karen Marler advised that there was no funding available to employ consultants and this request would need to be considered by the EPA and any request resources would need to be conveyed to the Minister.

Zoe Rogers expressed her support for the preparation of the report to inform the NCCCE.

John Tate stated that if there was no budget allocation that advice should come from the EPA.

**ACTION 5:** Keith Craig to provide details of his motion in writing to the NCCCE/EPA.

**ACTION 6:** The EPA provides advice/response to the motion.

Karen Marler also advised that under the terms of the Mandatory Environmental Audit required to be completed by Orica, that it was likely that there would be findings and recommendation for plant improvements.

Keith Craig requested that the terms of reference for the Orica audit be made available to the NCCCE.

Karen Marler advised that Orica's licence included a Pollution Reduction Program which detailed the requirements for the mandatory audit.

**ACTION 7:** The EPA to provide advice regarding the terms of reference for the Orica mandatory audit.

Zoe Rogers stated that Greg Sullivan's resignation from the EPA to work for the Australian Coal Association was seen as a conflict of interest by many community groups, as the community's impression was that it was the coal industry putting pressure on the Orica Start-up Committee to re-open Orica. Zoe requested that the minutes record that the Hunter Community Environment Centre, Climate Action Newcastle and the Wilderness Society all perceived Greg Sullivan's acceptance of a position with the Australian Coal Association as a conflict of interest.

Adam Gilligan explained that Greg Sullivan was not involved with the Orica start-up Committee from just prior to his resignation announcement and that measures were put in place to avoid any conflict of interest. Gary Davey chaired subsequent meetings of the Orica Start-Up Committee. The pressures caused by the Orica closure were discussed by the Orica Start-up Committee – but at no stage did those discussions influence the way the Committee worked. The verification action matrices were established very early in the start-up process. Items were added to the matrices but never removed. The Orica Start-up Committee considered that their actions/discussions should not unreasonably delay the Orica start-up – but at no stage was the start-up hurried. Adam stated that he saw no evidence of conflict of interest.

Zoe Rogers commented that several environmental groups perceived that there was a conflict of interest.

Keith Craig asked Adam what action the Orica Start-Up Committee took in relation to the ammonium nitrate spill incident.

Adam Gilligan advised that the spill was not the subject of the Orica Start-up Committee's deliberations and the Orica plant was not shut down as a result of this incident. The incident was dealt with as operations continued as is normally the case with industry.

Keith Craig asked if there was any groundwater pollution as a result of the incident.

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Karen Marler advised that the EPA is currently negotiating with Orica additional groundwater monitoring requirements to determine any impact on groundwater.

#### **8. Port Waratah Coal Services (PWCS) Air Quality Monitoring – Presentation by Nick Godfrey-Smith**

Keith Craig asked if PWCS would consider monitoring for PM<sub>2.5</sub> particles.

Nick Godfrey Smith advised that PWCS would consider monitoring for PM<sub>2.5</sub>. Currently real-time monitoring is used on site to trigger dust spray operation. When dust levels reach a pre-determined trigger level, a water spray cycle is activated. The operation of the water sprays depends on a wide range of factors including the weather, coal moisture levels etc. PWCS is currently installing on-site real time monitoring at their Kooragang Island facility. The TSP levels recorded are not compared against NEPM standards – but rather are used to inform reactive dust management on site.

Keith Craig asked if PWCS monitor weather conditions and if so could Orica use this data. Nick Godfrey-Smith advised that weather conditions are monitored by PWCS and that industries typically share data.

Keith Craig asked if PWCS has considered placing real-time monitors within the community.

Nick Godfrey-Smith advised that this was not considered as the purpose of real-time monitoring is to inform dust management on site – but PWCS will consider this as a part of the investigations for the establishment of an ambient monitoring network by the EPA – depending on the results of the monitoring study.

Nick Godfrey-Smith advised that there appears to be a general perception that there is an increase in coal dust – but that data indicates that this is not the case.

Paul Thomas asked how the Committee can know that PWCS is not just presenting their best monitoring results.

Nick Godfrey-Smith explained that the data presented are all monitoring results for monitoring undertaken 1 day in every 6 days over a 10 year period.

Keith Craig expressed concern that by monitoring only 1 day in 6 that significant events could be missed.

Nick Godfrey-Smith stated that with 10 years worth of data you would expect to capture significant events, however in the 10 years of monitoring there has never been a 'spike' in the data attributable to PCWS's activities.

Paul Thomas asked about the representativeness of the data – has any comparative study been done to look at how data from monitoring every 1 in 6 days compares to data from continuous monitoring?

Keith Craig commented that the data from Fern Bay data is twice as high as Stockton.

Nick-Godfrey Smith explained that Fern Bay is like to be directly affected by PWCS Kooragang Terminal and activities on Kooragang Island generally. PWCS has noted that black sand is a feature of the dust emissions. PWCS does operate the dust monitors more frequently during adverse weather. The data does indicate that even with the expansion of the PWCS and NCIG operations, there has been no significant increase in dust or TSP emissions. In relation to samples taken from complainants residences, PWCS has found no increase in the percentage of coal in samples.

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Paul McBain commented that he sometimes sees sprays operating and the water does not appear to be hitting the coal stockpiles.

Nick Godfrey-Smith explained that the sprays are configured to take into account wind speed and direction – wind can assist with cross spray action. The spray action is customised and computer controlled to ensure effective spray coverage. PWCS uses predictive weather data to do a dust risk assessment for each day which is used to program the spray cycles. PWCS aims to maximise the effectiveness of the sprays at all times.

Kate Johnson asked how the community can contact PWCS to arrange for dust sampling at its premises.

Nick Godfrey-Smith advised that PWCS operates a community complaints line to lodge a complaint, and the community is aware by word of mouth and through community forums that PWCS provides this service and is happy to do site specific testing when requested.

Keith Craig left the meeting at 10:45am

## **9. General Business**

Paul McBain asked how the NCCCE intended to get an idea of what the environmental issues are for people who are not in community groups and/or who live in the areas of the LGA away from the Port of Newcastle. Paul suggested that the NCCCE could use the Newcastle Voice – which covers the entire Newcastle Local Government Area to seek feedback or provide information on the NCCCE website.

John Tate suggested that the NCCCE could place a notice in the Newcastle Voice directing people to the NCCCE website for information about the committee and to feed back on issues of concern.

Paul McBain suggested the possibility of community surveys through shopping centres.

John Tate agreed that the NCCCE needs to build up a profile and that the community forum proposed for 2012 will assist with this.

Kate Johnson commented that through her work with TAFE there are a number of students who need to complete community placement work and it is possible that these students could assist in organising a community forum or community survey.

**Meeting ended: 10:55am**

**Next meeting: Date: Wednesday 8 February 2012**  
**Where: EPA Conference Room, Ground Floor 117 Bull Street,**  
**Newcastle West**  
**Time: 5:30pm start**

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**SUMMARY OF ACTIONS:**

- Action 1:** Adam Gilligan to investigate possible procedures for notification of residents when asbestos removal activities are proposed.
- Action 2:** EPA to include "ASP" in updated acronym list as well as a brief description for the ASP, TEOM and BAM monitoring technologies.
- Action 3:** Keith Craig to advise the NCCCE of the date and time for presentation(s) to the Stockton Community regarding the Stockton monitoring proposal.
- Action 4:** Adam Gilligan to investigate and provide advice as to who has the consent authority for the establishment and operation of a temporary air quality monitoring station at Stockton.
- Action 5:** Keith Craig to provide details of his motion in writing to the NCCCE/EPA.
- Action 6:** The EPA to provide advice/response in relation to the motion (see Action 5) from Keith Craig.
- Action 7:** The EPA to provide advice regarding the term of reference for the Orica mandatory audit.

**Prepared by:** Karen Marler

**Approved by:** John Tate