

## MEETING No. 6

### Newcastle Community Consultative Committee on the Environment (NCCCE)

#### MEETING MINUTES

**Date:** 14 March 2012      **Time:** 5:30 pm

**File:** FIL11/10927

**Location:** EPA, 117 Bull Street, Newcastle West

**In attendance:** John Tate (Chair); Ben Latta (Deputy for Zoe Rogers (Environment)); Graham Woods (Industry); Nick Godfrey-Smith (Industry); Paul Thomas (Industry); Kate Johnson (Community); Paul McBain (Minister's Nominee); Adam Gilligan (Newcastle City Council)  
Environment Protection Authority (EPA): Karen Marler, Mark Hartwell, Jackie Teal, Leanne Graham

**Apologies** Keith Craig

#### Meeting Record

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Item 1.	<p><b>Welcome from the Chair</b></p> <p>Chair John Tate announced that Agenda Items would be reordered to enable Mark Hartwell to present first.</p>
Item 2.	<p><b>Apologies</b></p> <p>Apology from Keith Craig received and noted.</p>
Item 3	<p><b>Overview of EPA findings regarding the Investigations for an Air Quality Monitoring Network</b></p> <p><b>Mark Hartwell</b> outlined the main findings of four EPA/OEH reports to be discussed at the Newcastle Community Air Quality Forum, scheduled for Friday 16 March 2012, 5:30 pm - 7:30 pm. The reports will be available on the OEH website as soon as possible after the Forum.</p> <p>1. <i>Review of Meteorology in the Newcastle Inner City and Port Neighbourhood</i> (OEH, July 2011)</p> <p>This report was previously noted to the NCCCE and provides recommendations for investigation areas for ambient air quality monitoring sites based on a review of available meteorological data and ambient PM<sub>10</sub> emission data.</p>

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*2. Lower Hunter Ambient Air Quality Review of Available Data 2012 (OEH, March 2012)*

This report summarises:

- ambient air quality monitoring data, measured at sites operated by OEH and other entities including licensed industries, the Australian Nuclear Science and Technology Organisation (ANSTO) and the Hunter Development Corporation (HDC),
- estimated air emissions from all sources in the Newcastle Local Government Area (LGA), based on the results of the NSW Greater Metropolitan Region air emissions, and
- information on industrial facilities in the Newcastle Local Government Area in relation to pollutant emissions.

The study indicates that Newcastle air quality is comparable to, or better than, air quality in Sydney and the Illawarra region.

*3. Newcastle Local Government Area Environment Protection Licence Summary, 2012 - Summary of monitoring requirements and EPA regulatory action 2007-2012 (EPA, March 2012)*

This report:

- notes that the EPA regulates 64 licensed premises in the Newcastle LGA, including 12 premises required to monitor air pollutants;
- summarises the current requirements of those 12 licensed premises, regarding monitoring of source emissions;
- summarises the level of compliance of those industries, with licence and regulatory requirements;
- describes the range of regulatory actions taken by the EPA to address key issues associated with air quality at specific premises over the past five years;
- outlines Pollution Reduction Programs by industry.

*4. An Assessment of Three Reports Concerning Air Quality In The Lower Hunter Region (OEH, March, 2012)*

This reports concludes that:

- air quality generally meets national goals, with occasional high concentrations of particulates [total suspended particulates (TSP), PM<sub>10</sub>] and nitrogen dioxide (NO<sub>2</sub>), as well as extreme events such as bushfires and dust storms;
- the impact on air quality in surrounding suburbs, and the proposed future industrial expansion in the Port, provides an opportunity to review the effectiveness of the current monitoring arrangements around the Port;
- OEH seeks community input during any review process to ensure transparency and community acceptance of proposed changes to monitoring in the Port.

**Mark Hartwell** and **Karen Marler** responded to questions.

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Q. (**Graham Woods**): How do the studies treat the influence of Upper Hunter air emission?

A. (**Mark Hartwell**): The studies focus on air emissions in the Newcastle LGA and also include Tomago Aluminium (Port Stephens LGA).

Q. (**Adam Gilligan**): Is it good news?

A. (**Mark Hartwell**): Yes. Regional air quality in Newcastle is as good as or better than Sydney and Illawarra.

Q. (**Nick Godfrey-Smith**): How does air quality in Sydney, Illawarra and Newcastle compare with world standards?

A. (**Mark Hartwell**): Compares well. Air quality in Australia is generally better than Europe or America.

Q. (**Paul McBain**): Does the report provide trend analysis?

A. (**Mark Hartwell**): Where available [e.g. data presented for 2000 to 2011]

Q. (**Adam Gilligan**): Is there an increasing contribution of motor vehicle emissions in Newcastle?

A. (**Mark Hartwell**): No. Engine and emission control technology has improved greatly in the last 20 years. Imported and some local vehicles comply with European and US standards which require lower emission compliance than Australian standards generally. However, as vehicle numbers increase advances in technology may not be able to keep pace with emission contributions from motor vehicles.

**John Tate** expressed concern that the review indicates air quality in Newcastle is comparable with Illawarra. John expected emissions in Newcastle to be less than Illawarra.

**Mark Harwell** and **Karen Marler** explained that it depends on which pollutants are being considered and reiterated that generally regional air quality is better in Newcastle than Sydney.

Q. (**Graham Woods**): When is a health report due?

A. (**Karen Marler**): One of the reports (*Lower Hunter Ambient Air Quality Review of Available Data 2012* (OEH, March 2012) provides a prioritisation of air pollutants and potential health impacts. After these reports are interpreted, the EPA/OEH will consult with an independent body with expertise on health regarding the justification for the proposed network expansion.

**Adam Gilligan** noted that, regarding the briefing to Newcastle City Council, scheduled for April, there is confusion whether EPA/OEH's purpose to report on where the air monitoring network review is up to or whether there is a need for a monitoring network?

**Karen Marler** explained that, while the Minister announced an investigation into the

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	<p>need for a network, the first stage is to gather the scientific justification for a network. If the current reports indicate a scientific justification for a network, then a greater depth of study may be necessary to design the network.</p>
<p><b>Item 4</b></p>	<p><b>Koppers Carbon Materials and Chemicals Pty Ltd - Naphthalene Pollution Incident Update</b></p> <p><b>Mark Hartwell</b> outlined progress on investigations into an incident that occurred during the cleaning of a pipe. The investigation will model impacts, which will be assessed against criteria to determine environmental harm. EPA is currently unable to discuss other parts of the investigation. (10 copies of Clean Up Notice requiring modelling provided to <b>Chair</b>). The Pollution Reduction Program requires redirection of naphthalene odours to the boiler and nitrogen blanketing of tanks containing naphthalene and is due for completion on 31 March 2012. This date may be delayed by a week or two if there is more wet weather.</p> <p><b>Adam Gilligan</b> noted that (1) low odour detection thresholds do not correspond to high health risk, and that (2) classifications for carcinogens are based on occupational (i.e. long-term) exposure.</p> <p><b>Mark Hartwell</b> emphasised the tenuous nature of health risk assessment for substances classified as “Group C carcinogens”. The classification method involves a high level of uncertainty, since the effects generally are unknown.</p>
<p><b>Item 5</b></p>	<p><b>Orica Australia Pty Ltd - Pollution Incident Update</b></p> <p><b>Mark Hartwell</b> reported on the timing and content/scope of the review of international best practice in relation to Orica’s mandatory audit (Action 2 from Meeting No. 5, 8 February 2012). Orica applied for an extension to deadlines because of difficulty associated with recruitment of adequately experienced engineers/auditors.</p> <p>Part 1 Report (Ammonia plant) originally due 1 March, now due on 1 July 2012.  Part 2 Report, (Nitric Acid Plants 1, 2, 3,), due 1 October 2012.  Part 3 Report (Ammonium Nitrate Plant), due 1 March 2013.  Part 4 Report (remaining areas of Plant such as storage and loading) due 1 May 2013  Part 5 Report (consolidated audit report for site) due 1 July 2013  Each part compares operations with international best practice.</p>
<p><b>Item 6</b></p>	<p><b>Minutes of Previous Meeting</b></p> <p><b>Adam Gilligan</b> clarified wording in draft minutes (Item 5), referring to a more specific emergency management plan for Kooragang, including targeted response plans for on-site issues.</p> <p><b>Paul McBain</b> moved, <b>Kate Johnson</b> seconded, Minutes adopted.</p>
<p><b>Item 7</b></p>	<p><b>Actions Arising from Previous Minutes</b></p> <p><b>Asbestos notification</b> (Action 1 from Meeting No. 4, 19 December 2012):</p>

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**Adam Gilligan** explained that development application conditions require notification to neighbouring premises of works relating to asbestos and a management plan for demolition involving asbestos. However, with “Exempt Development” (outside Council’s development assessment process), no requirement exists to inform neighbouring premises of asbestos remediation work. “Exempt Development” undertakes asbestos removal according to guidelines. A new regulation for Workers’ Health and Safety requires notification to neighbours in certain circumstances. Licensed contractors must notify neighbouring properties. However, Council becomes aware of problems related to Exempt Development usually only if there is a complaint. The appropriate mechanism to require notification of neighbours is to place such a requirement on licensed operators.

**Paul McBain** suggested that NCCCE lobby WorkCover to strengthen regulations on notification of asbestos demolition.

**Chair John Tate** questioned whether such action was within scope of NCCCE?

**Karen Marler** confirmed that the NCCCE Terms of Reference are broad and sufficient to allow NCCCE to take up the matter with WorkCover.

**ACTION 1: Paul McBain and Adam Gilligan to draft words around a motion for next meeting to lobby WorkCover to notify neighbours of asbestos demolition.**

**EPA to organise briefings to NCCCE from Roads and Maritime Services regarding a traffic assessment for Mayfield, Kooragang, Industrial Drive** (Action 4, Meeting No.5, 8 February 2012):

**Leanne Graham** to organise.

**EPA to provide NCCCE with a summary of complaints received for previous month** (Action 5, Meeting No.5, 8 February 2012):

**Jackie Teal** circulated hard copy around meeting.

**Chair John Tate** acknowledged that the complaints summary provided good information.

**Karen Marler** explained that EPA functions as a complaints clearing house. EPA records and allocates an action to all complaints usually within 24 hours and, where relevant, forwards complaints to the appropriate regulatory authority e.g. councils if the matter is not an EPA issue. Returning every call is not practical. Complainants are usually only contacted if the EPA requires more information to assist in its response to the matter. If the incident is significant, then the EPA may issue media statements to advise the community.

**Paul McBain** advised that the community misunderstands EPA’s responsibility for responding to complaints and that it is generally expected that the EPA is obliged to respond to complaints. Paul requested EPA provide further details and clarification for next community meeting.

**ACTION 2. EPA will provide protocol document on complaints and continue to**

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**provide monthly summary of complaints to NCCCE.**

**EPA to arrange briefing to NCCCE from Department of Planning and Infrastructure regarding the Port master plan and land use plans for Kooragang and Stockton generally** (Action 6, Meeting No.5, 8 February 2012):

Action to be pursued post resolution of Botany site.

**EPA to facilitate a meeting with community groups** (Action 7. from Meeting No. 5. 8 February 2012):

**Chair John Tate** reported much good discussion (at the meeting held on Wednesday 29 February, EPA Conference Room, Bull Street, Newcastle West, facilitated by NCCCE,) ten community members attended. Koppers' incident featured as a high priority. Typically current issues emerge and fall away. Quarterly meetings are proposed, raising the question of how to keep information interesting and flowing.

**Kate Johnson** reported positive feedback from the community, regarding current community consultation. The community identified many issues to be addressed and compiled a list. The community recognised the NCCCE as a good pilot for NSW community consultation and expressed concern that not much had been delivered. There is an expectation of more progress.

**Karen Marler** acknowledged that the assumption of EPA has been that the community is generally is not interested in EPA routine work.

**Paul McBain** suggested that generally the community do not know what good works EPA is doing and identified the need for better means or methods of communication to inform the community.

**Chair John Tate** noted the potential of the proposed Quarterly Meetings to maintain a flow of dialogue between EPA and community.

**Paul McBain** and **Kate Johnson** acknowledged community's high expectation and NCCCE's responsibility to deliver.

**Chair John Tate** noted the importance of (1) demonstrating to the community that the EPA and NCCCE care about their issues, and (2) maintaining a flow of information to the Minister and to community to demonstrate improvements in environmental protection, such as action on air quality.

**Kate Johnson** enquired about nature of industry reporting to EPA.

**Karen Marler** explained that under the *Protection of the Environment Operations Act* 1997, licensees have a duty to report an incident where there is material harm, and to provide monitoring data. The EPA can also issue a Notice to obtain information from licensees. Premises may undertake a voluntary audit and act to improve plant operations.

**Chair John Tate** requested that EPA respond to Lyn Kilby's list of questions,

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**ACTION 3. EPA to respond to Community concerns by making a set of frequently asked questions and answers and to provide on the web site.**

**Paul McBain** questioned the adequacy of licence requirements. For example, the adequacy of the requirement on Koppers to measure Naphthalene once per annum.

**Paul Thomas** explained that licensed premises are required to provide an annual report, which functions as a means of bringing attention to issues.

**Karen Marler** clarified that regarding NCCCE queries into regulatory issues, EPA's responses are limited to information within the public domain. Licence information is accessible to public via EPA web site

**Adam Gilligan** noted that community may enquire to EPA via the Environment Line.

**Karen Marler** confirmed that the NCCCE web page (<http://www.environment.nsw.gov.au/NewcastleCtee/index.htm>) provides a feedback form for enquiries or questions, which will be responded to by the EPA. The proposed Community Forum on Environment Protection Licensing will provide information for the community on regulatory issues.

**Adam Gilligan** advised that if there is a problem in the community regarding EPA community engagement that is a matter for NCCCE to discuss with the community.

**Paul McBain** suggested that the format of quarterly meetings run in World Café style and (1) Identify community concerns and issues, and (2) Address priority topics.

**Adam Gilligan** supported World Café format and suggested an issue per table with NCCCE members facilitating per table

**Chair John Tate** suggested that the World Café format includes NCCCE members working together to scribe and report.

**Chair John Tate** noted his responsibility to report back to the community and recommended that:

- (1) next Community Meeting clarifies EPA protocols regarding responses to complaints, responses via web enquiries and directs community to NCCCE website.
- (2) EPA post Frequently Asked Questions and Answers onto the NCCCE web page.
- (3) Community Meetings run quarterly and limit attendance to one representative per interest group.

**ACTION 4: EPA (Leanne Graham) draft a letter of response to the community and forward Chair, to follow up on Community Meeting of 29 February 2012. The letter contents will:**

- (a) State that EPA will address the meeting's list of questions (provided by Lyn Kilby) by preparing Frequently Asked Questions and Answers and posting onto the NCCCE web page;
- (b) Direct community enquiry to the NCCCE web page; and
- (c) Propose and invite feedback on proposed topics community of a

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	<p><b>forthcoming World Café style Community Meetings</b></p> <p><b>Sub-Committee Report on Proposed Community Forums</b> (Action 8, Meeting No.5, 8 February 2012):</p> <p><b>Paul McBain</b> noted that previous discussion addressed format of community forums (i.e. discussion is recorded above, Action 7, Meeting No.5, 8 February 2012). Paul reported that Sub-Committee (<b>Paul McBain, Graham Woods, Kate Johnson, Paul Thomas and Ben Latta</b>) proposed a program of community meetings for 2012:</p> <ol style="list-style-type: none"> <li>1. Air Quality – Friday 23 March 2012</li> <li>2. EPA Licensing - Thursday 21 June 2012</li> <li>3. Health Implications Related to Environmental Issues – Thursday 20 September 2012</li> <li>4. Planning and Environment Issues – November /December</li> </ol> <p><b>ACTION 5 EPA to assist Sub-Committee to organise venues and cover costs</b></p> <p><b>Graham Woods</b> raised the issue of the health forum including an Expert Advisory Panel on Health</p> <p><b>Adam Gilligan</b> clarified that air pollutant standards relate to occupational health exposure and therefore the community may be confident that, comparatively, the duration and level of community exposure is lower, generally.</p> <p><b>Karen Marler</b> noted that the report <i>Lower Hunter Ambient Air Quality Review of Available Data 2012</i> (OEH, March 2012), to be released following the Community Air Quality Forum, on 16 March 2012, includes a prioritisation of industrial emissions and associated scale of health risk.</p> <p><b>Paul McBain</b> acknowledged the challenges of identifying and managing the scope of a forum on health impacts and suggested re-scheduling the health forum to November / December.</p> <p><b>Kate Johnson</b> suggested circulating the proposed program of topics to allow the community to re-prioritise issues.</p> <p><b>Chair John Tate</b> recommended that draft letter (<b>ACTION 4</b> above) inform and invite feedback on proposed program of topics.</p>
<p><b>Item 8</b></p>	<p><b>General Business</b></p> <p><b>Adam Gilligan</b> followed up on <b>Action 9</b> (Meeting No. 5, 8 February, 2012) suggesting that NCCCE agendas include a standing item relating to Committee's Work Plan, to review issues, progress in action, allocation of responsibility and details of resolution.</p> <p><b>Karen Marler</b> agreed that the advantage of an agenda standing item on NCCCE Work Plan would assist NCCCE to keep focus and to manage issues as they arise.</p> <p><b>ACTION 6. NCCCE agendas include a standing item relating to Committee's Work Plan (Implement Action 9, Meeting No. 5, 8 February, 2012)</b></p>

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	<p><b>Adam Gilligan</b> suggested that NCCCE's current priority issues include:</p> <ol style="list-style-type: none"><li>1) Environmental concerns with existing industries, especially on Kooragang Is</li><li>2) Environmental concerns with proposed industries</li><li>3) Environmental planning matters</li><li>4) Environmental management issues, including health impacts</li><li>5) Environmental monitoring and regulation</li></ol> <p><b>Paul McBain</b> suggested that the Sub-Committee (Keith Craig, Zoe Rogers, Paul McBain) assist Adam.</p> <p><b>ACTION 7: Adam Gilligan to review the above list, in consultation with NCCCE Sub-Committee</b></p> <p><b>ACTION 8. Keith Craig to report back on Stockton meeting</b> (Outstanding Item in General Business, Agenda No.6, 23 March 2012)</p> <p><b>Karen Marler</b> noted that Keith Craig is no longer available on Wednesdays and requested that next meeting be scheduled to meet Keith's availability and to discuss future meeting schedules.</p>
<b>Item 9</b>	<b>Next Meeting</b> <b>Date:</b> Monday 16 April 2012 <b>Location:</b> EPA Conference Room, Ground Floor, 117 Bull Street, Newcastle West <b>Time:</b> 5:30 pm to 7:30 pm
	<b>Meeting ended 19:45</b>

## SUMMARY OF ACTIONS

Action Item Ref	Action Item Description	Due Date	Response
ACTION 1	Paul McBain and Adam Gilligan to draft words around a motion for next meeting to lobby WorkCover to notify neighbours of asbestos demolition.	16 Apr	PMcB, AG
ACTION 2	EPA will provide protocol document on complaints and continue to provide monthly summary of complaints to NCCCE	16 Apr	LG
ACTION 3	EPA to respond to Community concerns by making a set of frequently asked questions and answers and to provide on the web site	ASAP	LG
ACTION 4	EPA draft a letter of response to the community and forward Chair, to follow up on Community Meeting of 29 <sup>th</sup> February 2012. The letter contents will: (a) State that EPA will address the meeting's list of questions (provided by Lyn Kilby) by compiling Frequently Asked Questions and Answers and posting onto the NCCCE web page; (b) Direct community enquiry to the NCCCE web page; and (c) Propose and invite feedback on proposed topics community of a forthcoming World Café style Community Meetings	ASAP	LG
ACTION 5	EPA to assist Sub-Committee to organise venues and cover costs		LG
ACTION 6	NCCCE agendas include a standing item relating to Committee's Work Plan	16 Apr	LG
ACTION 7	Adam Gilligan to review the above list, in consultation with NCCCE Sub-Committee	16 Apr	AG
ACTION 8	Keith Craig to report back on Stockton meeting	16 Apr	KC