

**LEGISLATIVE COUNCIL SELECT COMMITTEE ON THE KOORAGANG ISLAND
ORICA CHEMICAL LEAK**

QUESTIONS TAKEN DURING HEARING ON 21 NOVEMBER 2011

QUESTION 1

The Hon. Cate FAEHRMANN: Would you be able to take on notice whether the regional office of the EPA passed that information [public reports about alleged health impacts] on to health, or whether once it left the environment line and went to the regional office, whether it stayed there, that information?

Mr SULLIVAN: I am happy to take that on notice.

ANSWER

As advised during the hearing, members of the public who reported health issues to the Environment Line were advised to contact their GP and/or to contact the Health call line, established by the Hunter New England Public Health Unit.

I am advised that these reports were also sent to the OEH Hunter Regional Office, and regional staff provided information about the reports to Hunter New England Health.

QUESTION 2

The Hon. Cate FAEHRMANN: And can you perhaps take on notice again, and sorry for interrupting before, whether that committee [the expert Health Committee] had evidence of what appears to be adverse health impacts suffered by residents as a result of the spill?

Ms CORBYN: These are reports from individuals that then need to be assessed by medical people.

The Hon. Cate FAEHRMANN: Yes.

ANSWER

Questions relating to the information considered by the expert Health Committee should be referred to the Ministry of Health.

QUESTION 3

The Hon. CATE FAEHRMANN: Question to Mr Sullivan. Mr Sullivan, on the department's website where you have the POEI public register, why isn't the annual return for Orica's Matraville operations available on the department's website? Yet it says that the annual return was received by your department on the 15th of September 2011, pretty much around the same time of the year as all the other annual returns are being received. Yet it seems not available, Orica's Matraville annual return. Is there a reason for that?

Mr SULLIVAN: I will have to take a question at that level of detail on notice but what I can say generally is that we are conscious that the public register needs to be enhanced and part of the process that we have already embarked upon at the instruction of the Government is to upgrade the public register.

It is difficult to use, as you may have experienced yourself. It needs to be made far more user friendly, to have an increased amount of information placed on it which has been required under the legislative amendments. But it is our intent, in fact we have already commissioned a project team to start work on looking at how that public register can be made easier to use, more informative and certainly much more helpful in terms of satisfying the community right to know.

The Hon. Cate FAEHRMANN: Do you agree though that the community's right to know at the moment in relation to living around any of Orica's plant is very important and the fact that it's not up there more than two months after it was submitted, is that usual practice?

Mr SULLIVAN: I am happy to look into the specifics of that particular situation you have described. The community's right to know is of course very important. It is a concept which is met in a variety of ways in the environmental regulation that we in this state.

ANSWER

Details of Annual Returns submitted by licensees are placed on the Public Register once the information provided is reviewed and assessed and the EPA is satisfied with the licensees' responses to any issues identified and the proposed follow-up actions.

QUESTION 4

CHAIR: Just a point of clarification, could I ask, you could perhaps take it on notice, could you provide the Committee with a list, if you have not already done so, of the personnel who are involved in that [mandatory environmental] audit team?

Mr SULLIVAN: Yes, absolutely Mr Chair.

ANSWER

The Audit Team appointed to conduct the mandatory environmental audit at Orica, Kooragang Island are:

- Frank Fleer (Lead Auditor), Carol Bromly, Bruce Dawson, Tom Carmichael (Goulder Associates)
 - Barry Frazer, Shaun Griffith, Stuart Johnston, Ian Kidd, Ina King, Neil Riley, Mike Russell, Frank Spinelli (HATCH)
 - Ed McGetting, Jean Jacq, Uhde Sheddon (ThyssenKrupp).
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QUESTION 5

The Hon. Adam SEARLE: I just direct your attention to page 5 of your submission. It says "Orica advised there had been a discharge to atmosphere containing hexavalent chromium, chromium 4", I think that is a typo, it should say chromium 6.

Ms CORBYN: Could be.

Mr SULLIVAN: My understanding it was only suspected at that stage, there was no definitive confirmation from Orica.

The Hon. Adam SEARLE: That is not what your submission says. It says "Orica advised", that is what it says, isn't it Ms Corbyn?

Ms CORBYN: We will need to check that, I am sorry, if that is the case. We will have to check that.

The Hon. Adam SEARLE: A pretty definite statement.

Ms CORBYN: My understanding certainly from the information I had was that it was sodium chromate and that we surmised that there might be some. So I will have to check that.

ANSWER

I confirm that when Orica first contacted OEH's Hunter Region by telephone on 9 August 2011 to report the incident, Orica advised that there had been an emission of hexavalent chromium aerosol to atmosphere from a vent stack.

QUESTION 6

The Hon. Adam SEARLE: And they did not then notify WorkCover, did they?

Mr SULLIVAN: Although WorkCover had already been advised to my understanding.

Ms CORBYN: By the time they actually got to the site, yes.

The Hon. Adam SEARLE: Did they know that at the time?

Mr SULLIVAN: I will have to check with the officers.

ANSWER

The O'Reilly report confirms that Orica notified WorkCover of the incident at 11.10 am on 9 August 2011. I am advised that the first contact between OEH and Workcover was on 11 August 2011 when OEH's Regional Office had a discussion with WorkCover officers about OEH's investigation to date.

QUESTION 7

The Hon. Adam SEARLE: You made a number of references, Mr Sullivan, to the assessment made by the OEH officers that went on site. Were those assessments reduced to writing?

Mr SULLIVAN: The officers have completed inspection reports based on their initial observations and at this stage I think they would have also completed affidavits regarding all their involvement as there is now, as you are aware, a prosecution afoot in relation to that incident.

The Hon. Adam SEARLE: I do not want to get into evidence they might have given in any prosecution but are you able to provide to the Committee the assessment they did as a result of being on the site?

Mr SULLIVAN: I am very happy to provide whatever notes they made at the time.

ANSWER

See attached Inspection Report and notes by the OEH officer who conducted the initial inspection of the Orica incident on 9 August 2011.

QUESTION 8

The Hon. Cate FAEHRMANN: Are you happy to take that on notice and we can find out? I mean you can understand for the first time today we heard about eight residents with adverse health impacts and I am now talking about a couple of birds that were found dead as well and I do not think that was reported too widely either. .

CHAIR: Could the Member just clarify the question as to what she wants on notice?

The Hon. Cate FAEHRMANN: The notes from your officers in relation to this incident [the dead budgerigars] on file.

Mr SULLIVAN: Yes, I am happy to take that on notice.

ANSWER

See attached notes by the OEH officer who investigated the report of the dead birds.

The Ministry of Health public information sheet dated 16 August 2011 identified that the sampling results included one bird sample.

Inspection Report - Licensed

Licence - 828



Office of
Environment
& Heritage

INSPECTION REPORT -- LICENSED PREMISES

DATE/S OF INSPECTION: 09-Aug-2011 **REPORT REF:** 1501802
LICENCE NUMBER: 828 **FILE NUMBER:** LIC07/2522
LICENSEE: ORICA AUSTRALIA PTY LTD
ABN 99 004 117 828
PREMISES: ORICA KOORAGANG ISLAND
15 GREENLEAF ROAD, KOORAGANG, NSW, 2304
REGION: Hunter
LGA: Newcastle
ACTIVITY: Ammonium nitrate production
OFFICER: Hamish Rutherford
OTHER OFFICERS/PEOPLE PRESENT: Peter Mathews (OEH); Stuart Newman, Peter Smith, Richard Sheenan (Orica)
REASON FOR INSPECTION: Investigatino of hexavalent xhromium incident of 8 August 2011.

DETAILS OF INSPECTION:

Details of inspection records in the Contemporaneous Notebook (No. 003887) of Hamish Rutherford. A copy of the relevant pages have been photocopied and placed on LIC07/255-03/2522-03.

Also see FIL11/8416 for the file relation to OEH's investigation of this matter.

FOLLOW UP AND FURTHER ACTION REQUIRED:

Investigation ongoing.

N 003887

**Contemporaneous
Notebook**

Issued to: HAMISH RUTHERFORD

Date of Issued: 25/7/2006

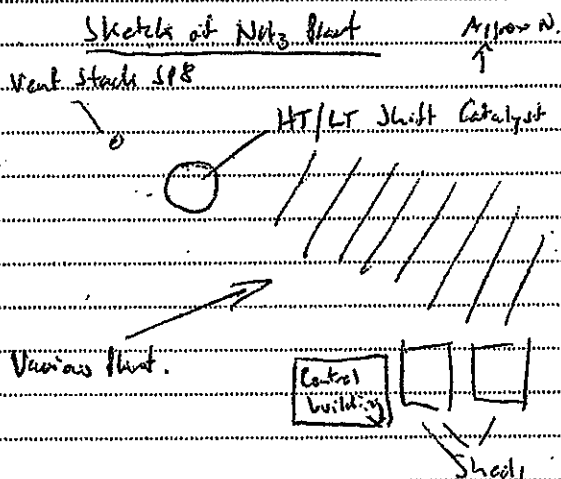
Date of completion: 20/9/2011

(Note: Completed notebooks should be kept for 5 years)

Orica Kasagary 9/8/11
 1215 Inspection with Peter Matthews (OEH)
 Briefing provided by Stuart Newman
 (Plant Mgr Orica) - continued
 in that briefing earlier in day
 provided by phone by Orica's
 Science Wendroffe Newman advised
 their 2nd effort sample right
 on licence limit + working to
 keep below. Extent of particulate
 fallout greater than first thought
 with fallout on cars in carport +
~~on~~ unconfirmed reports of fallout
 in Hobart that they are
 investigating Newman ~~has~~ conference
 run ~~A~~ ~~was~~ ~~later~~ ~~later~~ ~~with~~
~~subject~~ ~~stream~~ ~~entire~~ ~~basis~~
~~just~~ ~~return~~ ~~from~~ ~~Jakarta~~ ~~the~~ 9/8/11
 I advised that Orica should start
 thinking about its communication strategy
 should they find evidence of fallout

in Stockton, however regardless should notify the Dept of Health's Public Health Unit re the incident. Newman left the room + a short time later Orca's Peter Smith + Richard Sheehan entered having returned from Stockton. I asked what they had found. They were evasive in wanting to answer and said words to the effect (Sheehan): "I'd rather not say, we are still assessing it." I said: "This is a Yea/No question, is there evidence such as visual signs of any fallout in Stockton." Sheehan said: "Yes. We are still assessing the spatial extent." I enquired whether they had briefed Newman or there was anyone else from Orca currently investigating fallout in Stockton. Sheehan replied "No." Matthews + I were then escorted to the Ammonia

Plant where I met Peter M. Gault (Ammonia Plant Mgr.). M. Gault + I got into Tyvek suits + he showed me through the Ammonia Plant. M. Gault identified to me a smaller white vessel, approx 10-15m in height that we explained was split in two - the upper containing the High Temp. (HT) sluff catalyst that was the subject of the incident, the lower portion the low temp. (LT) sluff catalyst. He also identified to me a vent stack nearby to the west fitted with a muffler/silencer that the emission had occurred from. I understood from looking at the BSM website that morning the the wind direction (at Nobbys) about the time of the incident to have been from a NW direction.



The surface of plant, sections of ground & parts of buildings, such as the control building, room in the immediate down wind path were coated in a yellow substance. I also observed a puddle of liquid on the ground that had a dark yellow discoloration, but was transparent. The colour of this was similar to that of condensate

McGrath identified to me which was being collected in IBCs within the Nitro plant at the time. I collected a swab sample of the window of the Nitro Control Building that faced N; a swab of the support frame (metal) to a gantry; a liquid sample of the puddle + condensate from an IBC. I exited the Nitro plant and was shown a van parked in a carport immediately to the E of the Nitro plant, located downwind of the discharge point, which was reportedly parked there at the time of the incident. The front of the van which was exposed was densely covered in yellow brown spots.

1405 Matthias & I sign out and left the premises. We proceeded to the adjacent temporary car park on the eastern side of Greenleaf Road, leaving on. On the upper part of the opened

left large security fencing gate I observed sparsely scattered yellow spots. The generator to a nearby light stand in this carpark showed densely covered brown spotting that was greatest on the upper surface + these surfaces face the N and W. The upper coating of the 6ft high security fence around the Effluents Pump (Point 23), adjacent to the North Arm of the Hunter River showed sparse yellow spotting. I collected a swab sample from this fence Matthews + I drove to Stockton to the carpark of the boat ramp in Bellast Grounds Park which is the eastern foreshore of the North Arm of the Hunter River. I observed some brown spotting on a Newcastle City Council advertising sign adjacent to the fish cleaning tables, and collected a swab sample off this Matthews + I proceeded to the

corner of ~~East~~¹²⁻⁴⁻⁷⁷ Fullerton + Stone Streets, Stockton. [It appeared that the fish cleaning tables had been used by the public including as the tables were wet + there were pools of water around the base of the table + running off.] The litter box of 2 Stone St was covered in ^{reddish} brown spots, greater on side facing Orion - swab sample taken. As boat was approached by a lady on foot who said that she had covered the corner at 204 Fullerton St + their car and boat had been covered in silt. We went to 204 Fullerton St + met Karl Hitchcock who showed us a boat on a trailer reported to be in the same location in the boat yard at the time of the incident that was covered in silt, + relatively dense reddish brown spots. He had a silver Toyota Camry parked in the

front yard that he reported as being parked in the temporary ramparts on Greenleaf Rd, adjacent to Dixon as he was a contractor working at the premises at the time of the incident. The case had a similar pattern of spotting to the boat. He explained while on site at the time of the incident someone came and told them to "get inside as its been raining yellow shit"; and that he had returned to site this morning but they sat in the crib room for 2hrs & were then sent home for the day having been told it was the result of an incident. I took a soil sample from the front of the boat. We walked south to 198 Fildes St and observed a similar reddish brown spotting on the creases

1545 powdercoat fence & white PVC electrical box. Matthews & I departed Stockton at approx 1545 to return to the office where I sealed the samples collected and secured them in the storage room fridge.



MR DUNBAR ADVISED THAT
HAD 4 BUDGIES OK ON
Monday when I HEARD the
dent from orca. Sounded
like a GAS bottle was pierced
LOUD. ON Thursday your son
NOTICED that the BIRDS
WERE DEAD. HAD THE BIRDS
FOR A year. provided 2 dead
Budgies. RB took Swabs
OF Skillion Roof and Bird cage
+ Water sample FROM CAGE
and control - son said
Birds were hemorrhaging from
toes/feet. 2:55pm. W33

12/8/11 Meck DUNBAR
ORCA incident + Dead
BIRDS - SAMPLES 14:15

