

INQUIRY INTO KOORAGANG ISLAND ORICA CHEMICAL LEAK

Organisation: Newcastle Greens

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The Director
Select Committee on the Kooragang Island Orica chemical leak
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SUBMISSION TO THE LEGISLATIVE COUNCIL SELECT COMMITTEE ON THE KOORANGANG ISLAND ORICA CHEMICAL LEAK

The hexavalent chromium chemical leak from the Orica Kooragang Island plant on the 8th August 2011 shocked the people of Newcastle.

It brought home the reality of a potentially disastrous situation that successive State Governments and Industry have ignored for many years.

The situation was compounded when a second chemical leak resulting in the discharge of 1.2 megalitres of arsenic-containing effluent poured into the Hunter River on 19th August from the same plant.

Further indication of Orica's apparent dysfunction occurred at their Botany site on 27th September 2011 when mercury vapour was emitted from that plant and breached levels specified in the operational licence.

It is apparent that the community has naively accepted that the Government and Industry management would ensure that protocols and procedures are in place that guarantee the highest level of community and environmental safety. It is fair to state this misguided perception is shattered.

It is obvious that the State Government's rules and regulations regarding hazardous materials are in urgent need of review and that unacceptable risks to the public are addressed.

Newcastle Greens believe that the current reporting of licence breaches allows for a culture of "acceptance" of industrial breaches to exist and that, as a result, Orica has systematically failed to carry out a duty of care.

Regarding the hexavalent chromium discharges, it is our understanding that

- It took more than 16 hours for Orica management to notify the Office of Environment and Heritage (Tuesday 9th August)
- The Minister for the Environment, The Hon Robyn Parker, was informed on Wednesday 10th August. She then notified Newcastle MP The Hon Tim Owen.
- On Thursday 11th August the Minister issued a Ministerial Statement informing the public.
- The Hazmat Team received an anonymous call regarding the leak on 9th August. Orica did not contact Hazmat – rather Hazmat contacted Orica and were informed that their assistance was not required. (see details below)
- More than 42 hours passed before the NSW Department of Health was advised of the incident.

It has come to light that

- Orica are officially allowed to pollute from 13 different locations on their industrial site.
- Orica holds a Licence to Pollute, along with other hazardous industries presently operating close to residential areas of Newcastle. We know of no cumulative impact studies regarding the rate or amount of pollution from all potential sources at a given time. Is there a safe cumulative pollution level? And if so, what is it?
- Presently pollutants emitted by Orica include particulates and nitrogen-based compounds, mainly nitrogen oxides. Insufficient measurement of the harmful PM2.5 particles that are known to cause respiratory disease and cancer are carried out.

- In the last 10 years, the Orica plant has breached its licence conditions more than 130 times. These breaches have included unlawful releases of arsenic, hexavalent chromium, nitrogen oxides and ammonia.
- Orica failed to alert emergency response teams of the pollution leak on 8th August and that action has raised a number of serious issues regarding the adequacy of their on-site emergency planning.

Newcastle Greens contend

- That an overhaul of the Environmental Protection Authority needs to immediately occur in order to address the failure of regulators and industry to protect communities and the environment. The EPA must be independent and adequately resourced in order to enforce and oversee preventative action mechanisms that ensure breaches do not occur in the first place.
- An independent, regionally-coordinated air monitoring network needs to be established in the areas surrounding the Kooragang Island industrial estate.
- The current system of pollution licensing has failed and requires overhauling – polluting industries are simply not being adequately monitored nor held to account for breaches of their Licence to Pollute. The Government should investigate whether a demerit point system similar to motor vehicle licences would improve the pollution licensing system. If industries breach their licence they lose points; if they continue to breach their licence then their licence should be suspended and the licensee required to invest in relevant and effective technology in order not to pollute.
- Communication lines between authorities, the local council and the community need to be improved and maintained so that the community is aware of any breach that occurs.
- There should be regular, mandatory environmental audits of polluting industrial sites and licences to ensure early problem identification and correction.
- The system of pollution fines to cover breaches of operational licences is clearly not an adequate deterrent to companies and industries that have, in particular, a past history (like Orica) of continued poor performance. A system of heavy penalties must be enforced by Government.

Newcastle Greens welcomes the opportunity to speak to the issues we have raised in this submission at the public hearing to be held 14th November 2011.

Yours faithfully,

Councillor Michael Osborne On behalf of Newcastle Greens.