

**INQUIRY INTO PERFORMANCE OF THE NSW
ENVIRONMENT PROTECTION AUTHORITY**

Name: Ms Coleen Greene

Date received: 28/08/2014

Partially Confidential

Coleen Greene

Submission to NSW Senate 2014

Inquiry into the performance of the NSW Environment Protection Authority

1. That General Purpose Standing Committee No 5 inquire and report on the performance of the NSW Environment Protection Authority (EPA), and in particular:
(a) Measure the EPA's recent performance against its objectives pursuant to section 6 of the Protection of the Environment Administration Act 1991"

special reference to

"(b)...(i) land contamination issues at Botany and Hillsdale "
(c) Any other related matters."

1 Writer's background

a) Resident in Randwick Municipality up until 2011. Took an active interest in the Botany aquifer.

b) In 2005 submitted "ORICA CLEANS UP" that indicated positive expectations for the Groundwater Cleanup Project.

(Hard copy of 2005 submission "ORICA CLEANS UP", forwarded under separate cover.)

c) A member of the Botany Groundwater Community Liaison Committee (CLC) established in accordance with EPA License 2148

2. Considering the site's long history of contamination (refer to Nelson Chan, http://www.prres.net/papers/Chan_Groundwater_Contamination_Case_Study.pdf it is submitted the past 5 years be accepted as "recent" .

3. EPA representatives attending the CLC meeting since 2005

a) have been accessible to the community. (refer to CLC Minutes)

b) have not indicated any lack of administrative resources that would account for any diminished capacity to function efficiently or fulfill all their responsibilities under relevant legislation, with specific reference to the Botany Hillsdale contamination issue.

"My judgement is that the EPA officers handling the Orica matter are technically competent and aware of their regulatory role..... " Emeritus Professor Chris Fell Principal, Fell Consulting Pty Ltd Sydney 19 December 2013"

4. Section 6 POEA (part) (refer Recommendation 1 and 2)

“• ensuring the community has access to relevant information about hazardous substances arising from, or stored, used or sold by, any industry or public authority

Evidence that EPA may not always fulfill responsibility for ensuring the community has access to all relevant historic data about hazardous substances arising from or stored, used or sold by the responsible owners on Botany Industrial Park site.”

i) License 2148 Refer approved VMP 2010714 5^h November 2010.....Contaminated Land management Act

“11. At least until the EPA has notified the proponent that the EPA no longer considers that the contamination is significant enough to warrant regulation under the Contaminated Land Management Act 1997, record and retain all monitoring data and information and provide this record to the EPA at any reasonable time if so requested by the EPA and as specifically provided under the proposal “

ii) “License 26 20th July 2012 Environmentally Hazardous Chemical Act 1985
14 Records

“ 14.1.3 kept for at least four years after the monitoring of event to which they relate took place and 14.1.4 produced to any authorised officer of the EPA who asks to see them “

iii) EP License 2148 7th August 2013

*“Monitoring and Recording Conditions M1 Monitoring Records,,, M1.2 “All records required to be kept by this license must beb) kept for at least four years after the monitoring or event to which they relate took place and
c) produced in a legible form to any authorized officer of the EPA who asks for them “*

iv), EPA Internal information (extract below **my emphasis**) received 22nd April 2013, however was omitted from EPA’s 9 July 2013 circular to the community

Sent: Monday, 22 April 2013 2:43 PM

To:

Cc:; Johnston Niall; Sheehy Greg

Subject: soil sampling of 15 April 2013 -- interim results

..... Samples were also taken at Grace Campbell Reserve, which adjoins the residential land.

*The sampling targeted the top few centimetres of the soil profile as contamination in surface soils would be most indicative of potential exposure. Field duplicate samples were taken in accordance with quality assurance and quality control requirements. **The samples were analysed for HCB in the EPA's laboratory at Lidcombe. In addition to HCB, analyses for total mercury, polychlorinated biphenyls (PCBs) and the pesticides....”.***

above information was omitted from

“EPA circular to community

9 July 2013 To the Botany and Hillsdale community

To the Botany and Hillsdale community

You may have seen allegations in the media this past weekend that claim the EPA has sat on data that shows poisonous substances are present in the soil in a Hillsdale children’s playground.

The EPA comprehensively refutes these allegations of a cover-up as we have no sampling data for the playground in Grace Campbell Crescent.

The EPA undertook sampling and testing of 15 sites adjacent to and on Denison St in response to claims of elevated levels of Hexachlorobenzene (HCB) in that area so the EPA undertook its own sampling and testing.

*This comprehensive EPA testing found HCB levels to be at less than one/one hundredth of the health investigation level prescribed in the national standards – the National Environment Protection Measure (NEPM) - **so testing of the playground for HCB was not required.***

5 EPA leadership under question (refer Recommendation 2 and 5)

“It is felt that EPA does not keep residents properly informed by, for example, a comprehensive website or social media outlet. Further, it is felt that this is the responsibility of EPA, with the regulator taking the leadership in the process rather than the company...” Emeritus Professor Chris Fell Principal, Fell Consulting Pty Ltd Sydney 19 December 2013”

- a)** Council of Botany Bay (COBB,) in response to community concerns, acted promptly and independently. EPA seemed unaware of COBB’s testing of the playground. COBB tests were completed on 8th July 2013; maybe in consideration of the *significant risk of harm guidelines principles* in relation to children (<http://www.environment.nsw.gov.au/resources/licensing/sroh.pdf>)

Correspondence from JBS&G (NSW & WA) Pty Ltd to Council of Botany Bay

http://www.abc.net.au/mediawatch/transcripts/1326_report.pdf

10 July 2013

ATT: Jonathan Cawley

Landscape Architect

City of Botany Council

141 Coward St

Mascot, NSW 2020

Via email:

Environmental Assessment of Surface Soils at Grace Campbell Reserve Hillsdale

19-21 Grace Campbell Cres, Hillsdale, NSW

Dear Mr Cawley,.....

1. Introduction and Background

JBS&G (NSW & WA) Pty Ltd trading as JBS&G was requested by City of Botany Council (Council) to undertake accessible surface soil investigations within Grace Campbell Reserve (the Park) located at 19-21 Grace Campbell Cres Hillsdale.

The investigations are understood to have been required following a request from the local community to assess accessible soils present on the Park for a range of potential environmental contaminants.”

An inspection of the Park was completed by JBS&G Environmental Scientists on the 8th July 2013. ,,,,,,

b) EPA in media releases prior to 12th July 2013, had made no mention that both the Council of Botany Bay and Sydney Water, had conducted tests

EPA Media release extract

“EPA welcomes test results showing there is no health concern for Hillsdale

Media release: 12 July 2013 (extract)

NSW Environment Protection Authority (EPA) CEO and Chair, Barry Buffier, today welcomed Sydney Water and Botany Council’s test results confirming that that there is no health concern at the Hillsdale playground or Sydney Water easement. “

c) Observation: The EPA may have “*no health concern*”, Botany Council and Sydney Water may have “*no health concern*” but that does not mean the community has “*no health concern*” regarding the Hillsdale playground or Sydney Water easement.

A community’s “*health concern*” may be unwarranted or unnecessary but that does not mean the community has “*no health concern*” especially when there is no regular release of relevant historic data on the hazardous substances

6 EPA communication skills. (Refer Recommendation 2, 3 and 5)

“It is felt that EPA does not keep residents properly informed by, for example, a comprehensive website or social media outlet. Further, it is felt that this is the responsibility of EPA, with the regulator taking the leadership in the process rather than the company...” Emeritus Professor Chris Fell Principal, Fell Consulting Pty Ltd Sydney 19 December 2013”

Guidelines on the Duty to Report Contamination under the Contamination Land Management Act
Includes

3.3 Sites warranting regulation

Once DECC determines that it has reason to believe that the land is contaminated and the contamination is significant enough to warrant regulation, it may take any of a number of actions under Part 3 of the CLM Act. These actions could include:

- declaring the land to be ‘Significantly Contaminated Land’ (section 11 of the CLM Act)***
- issuing Management Orders.....***
- liaising and negotiating with landowners or land occupiers on appropriate solutions***

a) The writer has no evidence that EPA “*negotiated*” with “*land occupiers on appropriate solutions*” in the contaminated zone.

NSW Audit says

“The EPA considers declaring residential sites as problematic and an unfair penalty for innocent owners not responsible for the contamination.....

“The EPA is reluctant to declare residential properties that are significantly contaminated as a result of migration from an adjacent regulated site because of the negative implications for existing owners of the property“

http://www.audit.nsw.gov.au/ArticleDocuments/336/01_Managing_Contaminated_Sites_Full_Report.pdf.aspx?Embed=Y

b) EPA current website ie 28th August 2014)

Evidence that EPA resists taking the responsibility for keeping local residents (*land occupiers*) properly informed with access to all relevant data commissioned by and/or reviewed by the EPA.

extract 14th August 2014 <http://www.epa.nsw.gov.au/Oricabotanycttee/QAoricabotany.htm>

“ 9. Will the EPA also conduct its own monitoring?

Yes. The EPA is in the process of commissioning an ambient air monitoring scientist to conduct independent monitoring.

This will involve an ambient air monitoring station being installed close to the enclosure. This independent monitoring will be conducted for a period before the shed is removed, and then for a period during its disassembly.

The EPA will closely review all monitoring data.

10. What is Orica doing to communicate with the community?

Orica has informed the EPA that it intends to provide information to the community in a number of ways. This includes:

*publishing an advertisement in the Southern Courier
posting a former chlor-alkali plant (FCAP) Stage 3 fact sheet on its website
conducting a letter drop to its neighbours in Denison Street
providing the Community Liaison Committee with a newsletter.*

Orica has also stated that it will provide community members with a number of avenues to seek more information and have their concerns answered.”

Page last updated: 26 May 2014”

Note that EPA’s website omits the question “What is EPA doing to communicate to the community all the data from the EPA commissioned air monitoring? What is EPA doing to ensure EPA communicates to the community all monitoring data, in accordance with POE Act Section 6

EPA website deflects the community to the industry that EPA knows does not accept responsibility to provide historic data to the community.

c) Does the EPA recognize relevant data /public information?

At a CLC meeting 11th December 2012 in response to a community member request for ICI/Orica historic documents in the presence of EPA,

Orica explained “*“that corporation law required most documents to be maintained for 7 years, and it’s unlikely that documents older than that still exist.”*

EPA “*said the EPA will also see what data is available in its files in relation to historic operations”*

Note in following CLC meeting 26th March 2013 EPA did not provide historic data nor was the item listed as an outstanding action. EPA has still not given this EPA relevant historic information/data to the CLC or provided an explanation.

d) . *“It is felt that EPA does not keep residents properly informed by, for example, a comprehensive website or social media outlet. Further, it is felt that this is the responsibility of EPA, with the regulator taking the leadership in the process rather than the company...”* Emeritus Professor Chris Fell Principal, Fell Consulting Pty Ltd Sydney 19 December 2013”

Did EPA, a member of the CLC (or Orica) “*properly inform*” Professor Fell the reason why IMC’s technical expert was not considered as soon as the mercury issue erupted?

The CLC’s technical expert on the Independent Monitoring Committee (IMC) chosen by the community, and EPA had previously been engaged by Orica on **mercury** issues! Refer to CLC Meeting (further background information can be provided to the Inquiry if required)

It is significant that Emeritus Professor Chris Fell made no reference to the CLC’s technical representative on the Independent Monitoring Committee, (IMC) established under License 2148.

7 EPA and the missing “off site” and residential bore monitoring data **Refer recommendation 1 , 2, 5**

a) The data from the bores in the increasing extraction exclusion area has been a contentious issue for years in the community.
The issue of missing data from off site bores was raised in the recent CD Smith Report

CD Smith Orica Botany Mercury Independent Review Stage 1 -data and Information collection and and Review 6th Feb 2014

*“Historical reports have not addressed risk levels outside the boundary of the Orica site. Note that in the 2008 and 2013 Human Health and Ecological Risk Assessment (HHERA), the biota and sediment data was not included in the revised risk assessment, as Penrhyn Estuary was no longer considered accessible to the public. However it is covered in the previous 2005 Consolidated Human Health Risk Assessment.
What types of sampling should be performed? Groundwater monitoring of existing bores in the upstream residential area.”*

2005. Orica information for CLC Meeting 30 November 2005

2.3 Residential Bore Monitoring

2.3.1 ...”for the first time , vinyl chloride (VC) a known carcinogen, was found in a residential bore – in Dent Street .

*Orica undertook a number of activities in response to the results of the May/June round of the residential bore monitoring program.
the results were confirmed by a repeat round of sampling. The results of both rounds of sampling were report to DEC, DIPNR and NSW Health*

Two bores in Collins Street Pagewood, returned concentrations of tetrachloroethene (PCE) and trichloroethene (TCE) which were above drinking water guidelines. The results in Collins Street formed part of a cluster of detections in the area which suggest that they may originate from industrial sources other than Orica.

The residential bore monitoring results from the May/June round in Collins Street led to further investigations and announcement by the government that other sources of Industrial pollution have been identified. This is consistent with Orica's investigations in the area.....
No2.3.2 November 2005 Independent testing of 40 residential bores was completed between 26 October and 1 November 2005. All residential bores sampled during the November 2005 round were from expanded GEEA

At the time of writing , these results had just been finished , In line with Orica's community relations policy , those residents who had had their bores tested are being contacted directly prior to further reporting to the CLC

4.2.4

In response to the results of the November round of residential bore monitoring , owners of all 40 residential bores monitored during the period are now being contacted by telephone to advise of the results and offered the opportunity for further face-to-face discussion. Results will then be reported to broader community through the CLC, newspaper columns and the next newsletter

2006 CLC Minutes September

"Collins Street"

..... in the Quarterly Progress Report that a residential bore in Collins Street had a spike in the contaminant TCE and queried if the resident had been notified.....DEC , Orica and NSW Health met with the resident couple of months ago.

2011 " Voluntary Management Proposal Progress Report No 6"

"Residential Bore Monitoring"

Monitoring of one eligible residential bore in the Groundwater Extraction Exclusion Areas (GEEA) for volatile chlorinated hydrocarbons occurred in November 2011 and results were reported in the November 2011 progress report (Progress Report No. 5) Interest in this program has been reducing over time and Orica is reviewing the program" Voluntary Management Proposal Progress Report No 6"

"Outreach Projects"

One resident requested a bore test in November 2011. Results were shared with that resident on 30 November 2011

2012

EPA Management Order 20111406 9. As noted in the previous quarterly report , interest in this program has been reducing over time with only one resident requesting a bore testing . Orica is currently reviewing the program." Groundwater Community Liaison Committee (CLC) Briefing paper for Meeting on 20 March 2012)

2013

Minutes CLC 10th December 2013

"EPA to provide the CLC with information about mercury in groundwater and the probability of the mercury plume reaching the GTP containment lines

Where is the EPA data from the previous testing of residential bores?

EPA Management Orders refer to the significant contamination of the off- site groundwater however EPA still fail to convince community it has historic relevant data, with special reference to mercury.

EPA Management Order 20111406 9th Jan 2012

*“Orica used elemental mercury at the former CAP in an electrolytic process which operated from 1944 until 2002, when it was replaced with a membrane cell electrolytic plant. Investigations at the former CAP have identified significant concentrations of mercury in the soil and groundwater, **and mercury has migrated off site via groundwater and concentrations that exceed relevant human health and environmental guideline values.**”*

EPA Management order

(Section 14 of the Contaminated Land Management Act 1997)

Order Number 20131406; Declaration Number 21074; Area Number 3203

Nature of the significant contamination and the nature of any harm

The EPA declared the contamination of the Land and surrounding areas to be significant enough to warrant regulation. The EPA continues to believe that the Land is contaminated and that the contamination is significant enough to warrant regulation. In particular:

- ☐ *Mercury has migrated off site via groundwater at concentrations that exceed relevant human health and environmental guideline values to areas where groundwater could be extracted for beneficial use;*
- ☐ *The elemental mercury contamination in the soil presents a potential vapour risk to workers at the site; and*
- ☐ *The mercury in the soil represents a contaminant source that is likely to continue to impact groundwater.*

Aggravated by the ban on domestic bore water use in a widening extraction exclusion area, it is not surprising the community keeps enquiring about the missing data on significantly contaminated ground water in residential sites.

8 Evidence that EPA's Regulatory Role and engagement with other instrumentalities also needs reviewing. Recommendation 2

- a)** Government authorities eg Local Government, Dept Planning, Office of Water have been participants in the CLC community forum established under L2148.

To confirm how a contaminated site was recorded under Section 149 Environmental Planning and Assessment Act, the writer requested Community Liaison Committee to ask COBB for a copy of Planning Certificate for Lot 1 DP 85542.

COBB declined the CLC's request.. The certificate was finally provided by Orica. (further details can be provided if required by Inquiry).

It should be noted that COBB is a member of CLC and provides the alternative Chair to the CLC as required by EPA.

- b)** The Botany aquifer contamination has been a contentious local issue for decades. Office of Water has not been invited to update the CLC on Office of Water maps for the Botany Sands Aquifer but neither has CLC been invited to participate in Reviews of Sydney Water and NSW Office of Water Memorandum of Understanding, or been updated on the National Information Communications Technology Australia (NICTA) web based monitoring software development. <http://www.water.nsw.gov.au/Water-management/Groundwater/Water-Monitoring-Framework/NSW-Groundwater-Baseline-Project>. (In Sept 2011 writer compiled a survey of Gvmnt instrumentalities' participation in CLC and was tabled at a CLC meeting . Copy can be provided if required by Inquiry)

- c)** Neither Department of Planning or Local Government have provided CLC with groundwater data that should/could have been compiled over the years from developments other than Orica, that intrude into the groundwater.

Data from developments in the Botany Hillsdale district could /should be available to the consenting authorities. EPA could have required testing for contaminants additional to the following

- (i) The number of pumps and the discharge location/s of these pumps from the site;*
 - (ii) Type of de-watering works – bore/s, spearpoints or excavation;*
 - (iii) An estimation of volume of water to be extracted, pumping rate and duration;*
 - (iv) The extent of the water table will be lowered and the radius of influence;*
 - (v) Estimation of the likely impact (settlement) on existing neighbouring structures due to groundwater drawdown;*
 - (vi) An estimate of the likely increase in water table level post-development due to the proposed structures; (Council of Botany Bay website)*
<http://www.botanybay.nsw.gov.au/images/stories/pdf/cityplanning/Amend>
- d)** When CLC asked Council about data from groundwater bores in a local athletic field and in a park the Council's written reply deferred to GIPA Act. Council said reports may be subject to copyright provisions. EPA accepted this response.
(Copy of Council written reply can be provided if required by Inquiry)

- e)** CD Smith Report observed a disconnect between Council and EPA

Document 32

Reviewer: Loek

Springvale realignment Development Application (Both EPA and Botany Council say that the other is the competent Authority)

9. NSW Audit Generals Report Managing Contaminated Sites 10th July 2014

Recommendation 2, 3

http://www.audit.nsw.gov.au/ArticleDocuments/336/01_Managing_Contaminated_Sites_Full_Report.pdf.aspx?Embed=Y

The EPA advises that previous experience has shown that significant concern can be generated through the regulation of adjoining properties (particularly residential), including heightened concerns about health impacts that are not in proportion to the actual risks posed by the contamination and title blight issues associated with regulatory notices being placed on properties.

When a site is declared it remains indefinitely on the public record and land title and therefore can affect the valuation of the property. The EPA considers declaring residential sites as problematic and an unfair penalty for innocent owners not responsible for the contamination.....

The EPA is reluctant to declare residential properties that are significantly contaminated as a result of migration from an adjacent regulated site because of the negative implications for existing owners of the property

“ This site highlights the importance of the notation of factual information relating to residual contamination on planning certificates issued under s149 of the Environmental Planning and Assessment Act 1979 to provide a means of informing future site owners of the contamination.”

10. License 2148 as at 7th August 2013 (Recommendation 4)

a) Botany Groundwater Clean UP Project Environmental Impact Statement
November 2004 omitted reference to

Botany Industrial Park Pty Ltd . refer EIS Vol 1 . ref 2.1.2

The EIS made special reference to the companies that share the Botany Industrial Park and described the site in detail, However the EIS did not mention the existence of and responsibilities of a company called Botany Industrial Park Pty Ltd, a company registered in 1998 (six years prior to EIS) as a requirement for approval of a subdivision. (see attachment)

Botany Industrial Park Pty Ltd had already made reports to the EPA

Up until late 2010 the current long serving members of the CLC were unaware of the existence of a company called Botany Industrial Park Pty Ltd.

It came to light when an SOE was submitted for approval of

subdivision [http://laperouse.info/wordpress/wp-content/uploads/2012/01/Statement-of-](http://laperouse.info/wordpress/wp-content/uploads/2012/01/Statement-of-Environmental-Effects-16-20-Beauchamp-Road-Banksmeadow.pdf)

[Environmental-Effects-16-20-Beauchamp-Road-Banksmeadow.pdf](http://laperouse.info/wordpress/wp-content/uploads/2012/01/Statement-of-Environmental-Effects-16-20-Beauchamp-Road-Banksmeadow.pdf) was circulated via community social network. The existence of the Company is now acknowledged with minimum data information appearing on internet, Note Orica's contribution on the company's report.

<http://www.matraverse.info/wp-content/uploads/2012/01/BIPBrochure2010v2.pdf>

Botany Industrial Park Pty Ltd is relevant to License 2148 as part lot 11 DP1039919 in the SOE also appears in License 2148.

License 2148 L5.4, L5.5, L5.6 is relevant to Botany Industrial Park Pty Ltd. and Botany Industrial Park Pty was required to maintain a site cumulative risk assessment and report to the EPA every three years.

C D Smith Report makes reference to 2000 and 2001 documents referring to Botany Industrial Park Pty Ltd

"Botany Industrial Park Pty Ltd (22 November 2000) – Report on Compliance with Pollution Reduction Programs 1999-2000 .." Stormwater PRP: Orica has retained the responsibility for its legacy issues, even on those portions of land being sold to Qenos and Huntsman"

Where are Botany Industrial Park Pty Ltd EPA Reports and historic data?

EPA declined to discuss the matter with CLC.

(CLC unsuccessful efforts in 2011 to confirm the existence of, the structure of the BIP Pty Ltd and attempts to obtain copies of the required EPA reports can be provided if required by this Senate Inquiry)

b) Botany Groundwater Clean Up Community Liaison Committee (CLC)

(Recommendation 4)

A forum that provided community access to EPA and other regulatory authorities

One of the requirements of the then Department of Infrastructure Planning and Natural Resources, Director General was for a *community relations plan that includes a strategy for the distribution of information to the community throughout the life of the project.* (refer Botany Groundwater Clean Up Project EIS 2004 Vol 2)

To fulfil this requirement the proponent's plan referred to International Association for Public Participation IAP2 and the NSW Government IPart, www.ipan.nsw.gov.au and the already functioning Community Liaison Committee.(CLC)

c) E4.1 of License requires an Independent Monitoring Committee (IMC) with technical and community representatives relating to the Groundwater Treatment Plant and its operations. The Independent Monitoring Committee will be serviced by the licensee in conjunction with the existing Orica Community Liaison Committee. It is significant to note that the IMC expert had, with approval of CLC, been engaged by Orica to conduct investigations on mercury.

During the recent very *contentious* mercury controversy in Botany the EPA was complicit in the avoidance of the existing IMC technical expert being consulted. Refer to CLC Minutes 2013 (further information may be provided to Inquiry if required)

d) The CLC did not operate as a liaison committee, was not incorporated.

and did not refer to the "core values" of IAP2 .

Community member's questions to regulatory authorities were mostly required to be on notice. Meetings, with independent Chair, did not observe rules and procedures of meetings (eg The Law and Procedure at Meetings P E Joske)

Refer to previous Minutes of CLC and supporting resource documents .(see recommendation 5)

RECOMMENDATIONS

- 1 Referring to Section 6 POEA (part).
“ensuring the community has access to relevant information about hazardous substances arising from, or stored, used or sold by, any industry or public authority “

Confirm “*relevant information*” means **all available** relevant information and
“*relevant information*” includes historic data records without a maximum archive time

- 2 Report on and where necessary make recommendations on the relationship and communications between EPA and other public authorities that have relevant information on hazardous substances arising from, or stored, used or sold by any industry or public authority with special reference to *Protection of the Environment Administration Act Sect 12 Directions to public authorities*
- 3 Report and make recommendations on the relevance of NSW Audit Report on EPA with specific reference to Botany Hillside non recording of contaminated sites on the Section 149 Certificate. <http://www.audit.nsw.gov.au/News/Managing-Contaminated-Sites>
- 4 With reference to License 2148
- a) Review previous 5 years of EPA documents for the Botany Groundwater Cleanup Project, Community Liaison referred to in Environment Protection Authority v Orica Australia Pty Ltd (the Botany Mercury Incident) [2014] NSWLEC 110 Decision Date 28/07/2014 Before Pepper J
 - b) Report on EPA's completion of any action required of the EPA and EPA's records of the CLC “*internal briefing process*” which officers use,” *for example to identify any contentious issues that may arise at a meeting.*” (refer to EPA Chair and & CEO letter to C Greene 3 Sept 2012 copy can be provided to Inquiry).
 - c) Report on the correlation between communities “*contentious issues*”, i e issues that have been repeatedly raised in the Minutes over the last five years such as mercury, and “*contentious issues*” identified by EPA in the “*internal briefing process*” for CLC.
 - d) Examine VMP's and Management Orders and report on EPA's fulfilment of obligations with special reference to
 - i) Lists of “contaminants of concern” included all known possible contaminants eg mercury
 - ii) Monitoring, Record Keeping and Reporting of data
 - iii) EPA penalties for Orica failing to comply
 - iv) EPA criteria for “Good Corporate Citizen”
- 5 Report and recommend appropriate comprehensive social media /website for Botany Hillside engagement between EPA, other relevant authorities, community and relevant industry/s including BIP Pty Ltd. The site to disclose all historic and current data. Report Include an accounting cost benefit analysis for community and regulatory authorities