

**Submission  
No 18**

**INQUIRY INTO KOORAGANG ISLAND ORICA  
CHEMICAL LEAK**

**Organisation:** Newcastle City Council

**Date received:** 7/11/2011

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4 November 2011

Mr Robert Borsak  
Select Committee on the Kooragang Island Orica Chemical Leak  
Committee Chair  
Parliament House  
Macquarie Street  
SYDNEY NSW 2000

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Dear Mr Borsak

### **INQUIRY INTO THE KOORAGANG ISLAND ORICA CHEMICAL LEAK**

I refer to your letter of 13 October 2011 inviting Council to make a submission to the inquiry into the Kooragang Island Orica chemical leak. Council makes the following submissions.

Councillors received enquiries from Stockton residents regarding the matter on Wednesday 9 August 2011 and sought advice from Council officers. Council officers had no knowledge of an incident at that time.

An OEH investigator sought to make contact with Council's Compliance Services Manager on Thursday 10 August 2011. These officers had some difficulty in making contact with each other, but eventually spoke around 6.30pm that night, after news of the incident had been broadcast on evening news bulletins.

Council's Compliance Services Manager attempted to contact officers from Hunter New England Population Health on the evening of Thursday 10 August 2011. Contact was not made until the evening of Saturday 12 August 2011.

OEH made formal contact with Council's General Manager on Friday 11 August 2011.

In incidents such as this, Council can have a role to play as a significant land owner in the affected area, as a support agency to the lead combat agencies and functional areas, and as conduit for communication and engagement with the broader community. Council also has local emergency management role to play when emergencies are declared.

Council's capacity to perform in these roles was hampered in this instance by delayed notifications, both from Orica to the lead agencies, and from those agencies to Council.

Council recommends that consideration to be given to improving the notification process to ensure that Council can provide support and assistance in a timely manner.

Please also find enclosed a copy of Council's resolution of 16 August 2011 regarding the Orica incident, and an open letter from Stockton residents to Orica, which is referenced in Council's resolution.

Yours faithfully

Adam Gilligan  
**MANAGER - COMPLIANCE SERVICES**

## **ACTION ITEM**

Ordinary Council  
Tuesday, 16 August 2011

### **CCL 16/08/11 - LATE ITEM OF BUSINESS - STOCKTON ORICA INCIDENT 8 AUGUST 2011**

**RESOLVED:** (Councillors S Claydon/M Osborne)

- A Council endorses the open letter from the concerned Citizens of Stockton to Orica Mining Services dated 13 August 2011, in response to the emission of hexavalent chromium from the Orica plant on Kooragang Island plant on Monday 8 August 2011.
- B Council supports the Stockton community calls to have input into crisis management, emergency response and notification alert systems to better manage any future unlicensed emissions or other hazardous events.
- C Council welcomes the NSW Government's agreement to hold an independent inquiry into the Orica chemical leak and supports community calls for this inquiry to conduct public hearings.
- D Council supports the creation of 'Community Right to Know' protocols to better protect public health and the environment; and
- E Council invites Ms Lisa Corbyn, Chief Executive of the Office of Environment and Heritage to brief Council on risk management, notification and emergency response plans for Kooragang Island.
- F Council receive a report from the General Manager detailing what responsibilities and authority Council has in such emergencies.

### **ADDITIONAL MOTION**

**RESOLVED:** (Councillors M Osborne/M King)

The following motion be forwarded to the 2011 Local Government and Shires Associations Annual Conference accompanied by the supporting letter from the Concerned Citizens of Stockton dated 13 August 2011:

- A The Local Government and Shires Associations support the Stockton community calls to have input into crisis management, emergency response and notification alert systems to better manage any future unlicensed emissions or other hazardous events.
- B The Local Government and Shires Associations welcome the NSW Government's agreement to hold an independent inquiry into the Orica chemical leak and supports community calls for this inquiry to conduct public hearings.

C The Local Government and Shires Associations support the creation of 'Community Right to Know' protocols to better protect public health and the environment.

Note: Letter bound to Action Item in ECM or see Doc. No. 3466056.

Concerned Citizens of Stockton who attended community meeting on 13/8/11  
c/- Kate Johnson

Mr James Bonner  
Orica Mining Services General Manager

Cc by email to:

Sharon Claydon Councillor, Newcastle City Council  
Michael Osborne Councillor, Newcastle City Council  
Tim Owen MP State Member, New South Wales State Government  
Robyn Parker MP State Member for Maitland, Minister for the Environment  
and Heritage, New South Wales State Government  
Luke Foley MLC State Shadow Minister for Environment and Climate change  
Julian Skinner MP State Member for North Shore and Minister for Health  
Sharon Grierson MP Federal Member for Newcastle  
Tony Burke MP Federal Member for Watson, Minister for Sustainability,  
Water, Population and Communities  
Roger Brock The Editor, Newcastle Herald

13 August 2011

This is an open letter from me on behalf of the concerned citizens of Stockton who attended the community meeting at Stockton on 13 August 2011.

The Stockton community held a public meeting on Saturday in response to the emission of hexavalent chromium from the Orica Plant across our peninsula on Monday 8<sup>th</sup> August 2011. The meeting was attended by approximately 200 people.

Orica has refused to speak publicly to the community or provide us with any information regarding the incident.

As Orica will not communicate with us, we have developed the following messages for Orica to respond to:

1. Orica must come and speak to the community and provide us information on:
  - Why did it take so long before the hazard was reported to the community?
  - How was the area of impact defined?
  - What is the potential impact of the chemical on the community?
  - What is Orica's documented emergency response and safety plan with respect to chemical discharge or explosion on site (i.e. informing & evacuating the community? Was this plan followed during this incident?)

- How did the Chromium VI get released and how did Orica know it had been released?
  - What are the cumulative risks and impacts to the community from the continued breaches of Orica's licensing requirements?
  - What other toxic chemicals are on the Orica Kooragang site with potential to affect our community and environment? What is Orica's response plan for these should they be released?
  - We would like to see a copy of the Project Risk Assessment of the recent plant upgrade that defines the potential risk to the community.
2. Orica and NSW Health must provide the results of last week's samples to the community.
  3. The Stockton community would like to work with the Office of Environment and Heritage and Orica to contribute to Orica Kooragang's regulatory licensing and monitoring requirements, to improve the monitoring conducted at the facility and to incorporate local monitoring to be conducted on Stockton (including groundwater and air monitoring).
  4. The Stockton community would like MSDS's (Material Safety Data Sheets) to be made available publicly for all chemicals used at the Orica Kooragang facility.
  5. The Stockton community would like to work with Orica to develop and have input into crisis management /emergency response and notification alert systems as they affect Stockton residents to manage future unlicensed emissions and potential hazardous situations.
  6. The Stockton community would like there to be a requirement for regular independent site inspections /audits to be conducted to review site safety practices and environmental conformance requirements. We would like the outcomes of these to be provided to the community.

We understand that the results that have come back from this incident have shown negligible levels of hexavalent chromium, however would like to know the timing of those samples being taken and their subsequent representativeness to highlight the potential risks.

We are very concerned about the lack of immediate response to the incident and adequate communication of risks by Orica to the Stockton community.

We require surety that in the future we will be given immediate notification of possible hazardous chemicals in our atmosphere so that we can make decisions that affect ourselves and those in our care.

A Public Meeting for the Stockton community is planned for Tuesday 23 August at 7:00pm and Stockton RSL Club. We understand that representatives from Orica will be attending this meeting and seek your response to the above matter either prior to or at this meeting to enable appropriate communication of the issues to the community.

Kate Johnson

On behalf of the concerned citizens of Stockton who attended the community meeting on 13 August 2011