

**Submission**

**No 2**

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

**Name:** Stockton Branch of the NSW ALP

**Date received:** 03/11/2011

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## **STOCKTON BRANCH ALP SUBMISSION TO UPPER HOUSE ENQUIRY INTO ORICA CHEMICAL LEAK ON 8 AUGUST AND SUBSEQUENT ACTION**

The Stockton branch of the ALP has long been concerned about the pollution coming from Kooragang Island. Complaints have generally fallen on deaf ears!

Our serious concerns range across a wide field: these include the specific Orica incidents causing so much grief recently; the concentrated mix of potentially dangerous industries very close to the dense urban areas of Stockton and Mayfield as well as the city centre of Newcastle; the anticipated massive growth of the coal industry with its increase in invasive coal dust; the cumulative effect of the rapid growth in industry close to residential areas; the absence of adequate and well-known emergency procedures in the event of serious incidents and the difficulty of speedy evacuation from Stockton.

### **Previous action by Stockton ALP Branch**

**In September 2003**, the following resolution was carried at the monthly meeting of the Stockton branch.

*The Stockton Branch of the ALP informs the Minister for Emergency Services that it views – with great concern – the almost complete lack of notification following the latest toxic gas escape on Kooragang Island, especially given that Stockton was in electrical blackout at the time.*

Warnings given via radio and television were not heard because of the power failure that lasted over two hours. (See Attachment 1)

An open meeting organised by our branch for 4 February 2004 was advertised in *The Stockton Messenger*. Although it was not as well attended as the huge Stockton community meetings of recent times, an officer from Waratah Area Command, organised by Superintendent Shearer, addressed a significant number of very concerned residents. (See Attachment 2)

In February 2005 a second letter was written to the Chairman of the Newcastle City Local Emergency Management Committee following the one of 6<sup>th</sup> August 2004. (See Attachment 3) This letter pointed out the shortfalls in the Newcastle DISPLAN where there was no noticeable improvement in the city's plans to inform the local population of the best ways to respond when a disaster occurred on Kooragang Island.

A former member of our Stockton ALP branch, Mr Bruce Langford (now deceased) outlined a number of concerns with the DISPLAN. In part of his submission, Mr Langford stated: *From the perspective of a resident affected by the episode on Kooragang in 2003, it is apparent that a number of the provisions of the DISPLAN were ineffective.* (See Attachment 4) Mr Langford pursued this matter through Newcastle City Council and the Stockton Forum but up until the time of his death a few years ago, he and other concerned citizens received little satisfaction.

**Pollution concerns, emergency and evacuation procedures, timely informing of residents and transport issues**

ALP Stockton Branch members have many concerns regarding the inadequacy of pollution controls and emergency procedures.

Why did it take so long for Stockton residents and Hunter Health to be informed of the latest dangerous emissions by Orica and the State Government? Why was Newcastle City Council not informed officially at all before the issue became public? Our Ward 1 councillor Sharon Claydon was only informed by local Stockton residents well after the spill.

Why did arsenic still remain anywhere near Orica's premises, resulting into its leaching into the Hunter River? Why is any amount of arsenic considered safe in our rivers? Large dead fish were sighted by fishermen and residents (including the secretary of our branch) near Stockton breakwater just a few days after the recently reported leak of arsenic.

At long last, heavy industry on Kooragang Island is **beginning to be held to account**. The Premier's letter to Stockton residents dated 6 October outlined the strengthening of laws to give better environmental protection, following the O'Reilly Report. This is most welcome but inadequate. We expected Mr O'Reilly to produce a better response to Orica's and the Government's delay in informing residents of the incident on August 8.

It is also noted recently that the Environment Minister, Robyn Parker, on Friday 21 October held an industry and environmental round-table at Mayfield where she stated that the state government's new environmental laws would go beyond the recommendations of the O'Reilly review. But they need to! Hopefully the Minister will really listen to the proposed Newcastle community consultative committee on the environment. But Stockton residents are very fearful that the power of big industry will again ultimately override the well-being of the local community.

Mr O'Farrell did not address the issue of why he or his Government representatives (Environment Minister Robyn Parker) and Mr Tim Owen (Member for Newcastle) delayed so long in informing the residents of Stockton of the potential disaster following the Orica release of very dangerous Cr (V1). Orica took an unacceptable 16 hours to inform the Government but the NSW Government failed to alert local residents for a further 54 hours!

With the very heavy concentration of a volatile mixture of industries on Kooragang Island, Stockton, Carrington, Mayfield and indeed the entire inner city of Newcastle are at serious risk. Because Stockton is a narrow peninsula with only one road out of the suburb, there is very little chance of a speedy evacuation if an emergency occurs. Numerous times it has been demonstrated how gridlocked traffic becomes when many vehicles try to exit the suburb, such as when New Year's Eve fireworks are held on the peninsula. Then there are the problems of only one road over Kooragang Island itself and the two lane bridge at Tourle Street as well as the single road to north to Williamstown. (Note Attachment 5, the Newcastle Herald article from Monday 24 October stating that

Kooragang Island traffic was brought to a standstill for six hours after a road accident on the island.)

Many people were relieved when BHP contamination ceased a number of years ago. However, the concentration of massive coal loaders with inadequate controls of the mountains of coal dust and all the other heavy industry have led to severely decreased air purity, especially in Stockton, Carrington, Mayfield and Carrington. Locals are horrified by the possibility of a coal loader on the former BHP site at Mayfield because there are already anticipated deleterious effects from when the Port Waratah T4 expansion, our fourth coal loader, is completed. Will a proposed new goods rail line from Sandgate-Hexham to Carrington aid the well-being of locals or exacerbate the problems with further numerous uncovered coal wagons?

Not only is there only one road leading in any direction from Stockton - be it to Newcastle or Nelson Bay - but the building of a mere two lane replacement Tourle Street Bridge was an idiotic decision. For a decade our Stockton ALP Branch wrote numerous letters to MPs and made appeals for a four lane bridge to be built. Now residents in many parts of Newcastle are being subjected to a massive increase of industry traffic on the roads as industries and organisations such Newcastle Port Corp plan new developments.

With the cumulative effect of all the existing industries including Simsmetal, Cleanaway, Booral Cement, Cargill Canola and Incitec, the planned expansions of the T4, the Orica extension and probably an unbelievable liquid gas export facility by Eastern Star Gas close by, it is no wonder that local residents are up in arms and intensely worried about the health of future generations!

### **Orica's response and what we want in the future**

Thankfully Orica has not yet been permitted to re-open the section of plant involved in the chromium leak in August. Apparently Orica is still working on engineering improvements as well as streamlining its communications program and emergency management plan. While Orica has met with the community on a number of occasions and agreed to tours by community members, many people remain opposed to the reopening of the industry. Yet Orica's planned expansion is believed to be a massive 75% of its present size and complexity.

It seems that Orica has agreed to fund air monitoring on Stockton but there is very significant concern in the community about Orica's general operations emissions, including fine particle matter and dangerous chemicals.

Newcastle residents should be fully informed of the type and amount of toxic chemicals being used in their vicinity. The Government should carefully analyse the severity of all emissions and challenge the acceptability of certain emissions if they are shown to be harmful to people's health. After the negligent incident at Orica on August 8 many Stockton residents have complained of nose bleeds, severe eye irritation and irritating coughs.

Orica's manufacture of ammonia, nitric acid and ammonium nitrate does not operate in a vacuum. Its close proximity to residential areas, and taking into account all the other associated issues outlined in this submission, mean that local residents have much to be distressed about. Being close to the seaside, any chemical company such as Orica should be very aware of the prevailing winds during its operation (especially a start-up). Management should make it an extremely high priority to examine the potential impacts on the surrounding residential suburbs. Why did this not occur on a regular basis? Why has Orica been permitted to continue to excessively pollute?

The north Stockton childcare centre was in the direct wind path at the time of the emission of Cr (VI) yet this was not seen as a priority area to evacuate. Astonishingly, with no notification to the general public, over 500 students from San Clemente High School participated in a walkathon at Stockton the very day after the leak! There should be a full review of procedures for informing Newcastle residents when a serious incident or an emergency occurs.

Because of reporting in *The Newcastle Herald* after the latest incident, local communities are now aware that Orica has a mind boggling history of lack of compliance with its licensing obligations. Why has this been allowed to occur? It is urgent that there should be a complete review of the existing licensing principles and procedures for this company and other Kooragang Island industries.

To add insult to injury, within the last fortnight Stockton residents have been informed about the proposed building of another ammonium nitrate plant by Incitec Pivot Limited! Has the Department of Planning seriously looked at the cumulative effects of all the present and planned heavy industries on the nearby residents? We are already subjected to troubling pollution; the greater number of industries that are built in our vicinity, the greater the respiratory and other health problems in the community.

### **In Conclusion**

The Stockton Branch of the ALP has been a long time advocate of the need for improvements to the management of the growing concentration of heavy industry on Kooragang Island. Particularly, the residents of Stockton and all the nearby residential areas **at the very least** deserve a full risk analysis of the industry on Kooragang Island, a careful monitoring of air quality in the suburbs; improved warning systems when a significant incident occurs or a leak becomes apparent and a workable, well-tested, well-publicised disaster recovery plan for our area. A single government body should be responsible for ensuring that all these serious concerns are addressed in detail.

Attachment 1

**AUSTRALIAN LABOR PARTY – STOCKTON BRANCH**

Address correspondence: The Secretary

4<sup>th</sup> September 2003

The Hon Anthony Kelly MLC  
Minister for Emergency Services  
Level 34  
Governor Macquarie Tower  
1 Farrer Place  
Sydney 2000

Dear Sir

At last night's meeting of the Stockton Branch of the ALP the following Motion was passed because of the fear and confusion that was caused by the recent events on Kooragang Island.

*That Stockton Branch informs the Minister for Emergency Services that it views -with great concern - the almost complete lack of notification following the latest toxic gas escape on Kooragang Island, especially given that Stockton was in electrical blackout at the time.*

There are large numbers of elderly and ill people living in Stockton. Many people believe that the residents deserve better procedures for the future if another emergency situation occurs. Warnings given via radio and television were not heard because of the power failure that lasted for over two hours.

It has been even been suggested that a siren could be activated on the island if another toxic gas escape occurs (or similar problem). If this was to occur, then citizens would need to be well informed and perhaps an annual practice run could be organised.

Yours sincerely,

Barbara Whitcher  
Secretary  
Stockton Branch ALP

**Attachment 2**

**AUSTRALIAN LABOR PARTY – STOCKTON BRANCH**

**Address correspondence: The Secretary**

26<sup>th</sup> December 2003

Dear Superintendent Shearer

Recently I spoke with Michelle Terry regarding the following matter and she advised me to write to you.

The Stockton Branch of the ALP wishes to invite one of your duty officers to speak at its next meeting on the 4<sup>th</sup> February 2004. The Branch meets from 7.30 in the Linich James Room at Stockton RSL in Clyde Street.

At our last meeting, Frank Rigby, a former Deputy Lord Mayor on Newcastle Council, informed us that he had contacted Waratah Police Station, in conjunction with an executive member of Stockton Wescott Nursing Home, to discuss emergency procedures if ever Stockton needed to be evacuated. This came about because of the gas leak on Kooragang Island earlier this year where many Stockton residents were worried about the effects of the emissions.

We would also like to invite other interested Stockton residents to this meeting.

My phone number is 49282554 and I will be home from holidays after 10<sup>th</sup> January. We would like to know by mid January if an officer would be available on that evening so that we can advertise in our local newspaper, The Messenger.

Yours sincerely,

Barbara Whitcher  
Secretary  
Stockton Branch ALP

Attachment 3

**AUSTRALIAN LABOR PARTY – STOCKTON BRANCH**

Address correspondence: The Secretary

5<sup>th</sup> February 2005

The Chairman  
Newcastle City Local Emergency Management Committee  
PO Box 489  
Newcastle 2300

Dear Sir

On the 6<sup>th</sup> August 2004 I wrote to you with concerns from the Stockton Branch of the ALP, regarding the Disaster Plan for Newcastle and Hunter Region. To date I believe I have not received an acknowledgement of that correspondence.

In view of the recent TSUNAMI disaster in the Indian Ocean, and the obvious lack of disaster management in the affected countries, which may have increased the number of fatalities, the following questions/comments are put.

1. In August last year following an occurrence on Kooragang Island in 2003, a number of shortfalls became apparent in the Newcastle DISPLAN. The Branch represented these matters and we believed they would be addressed in a revision of the DISPLAN.
2. In particular has the aspect of the need to educate and inform the populace been addressed? To our knowledge, there is no noticeable improvement in this vital area of disaster planning, as the general populace is no better prepared or informed than third world peoples.
3. Has the DISPLAN been revised, and if so how has it been promulgated to the general residents of the area who will be affected?

Following the Tsunami on 26<sup>th</sup> December, there appeared an article in the Weekender supplement of *The Newcastle Herald*. The article stated that Newcastle was very well prepared for disasters, and a comprehensive disaster management plan was in effect for the area.

Can this matter be followed up, and can we be informed of the latest disaster management plan?

Yours sincerely,

Barbara Whitcher  
Secretary  
Stockton Branch ALP



## Attachment 4

### **DISASTER PLANNING IN RELATION TO KOORAGANG ISLAND FIRE & TOXIC EMISSIONS – AUGUST 2003.**

In relation to the episode in August 2003, and the representations to the Waratah Area Command made by the Stockton ALP Branch, the following comments are offered in the event that similar disasters occur in the future. These listed items to be referred to the Newcastle City Local Emergency Management Committee for consideration.

The event referred to in August 2003, was a disaster within the definition contained in the Community Welfare Act 1987, (see Page ix of Newcastle Local Disaster Plan), and therefore falls within the terms of the State Emergency & Rescue Management Act 1989. (Page i, DISPLAN - 2003). The State Emergency & Rescue Management Act requires the preparation of a Local Disaster Plan (DISPLAN) to manage defined disasters within specified areas. The DISPLAN provides for all facets of disaster management from defining roles and responsibilities of Agencies, to education of communities, warning of residents, evacuation and post disaster recovery.

From the perspective of a resident affected by the episode on Kooragang in 2003, it is apparent that a number of the provisions of the DISPLAN were ineffective. These are as outlined below,

1. There is a requirement to educate the community about disaster procedures (P 19, DISPLAN). While a copy of the plan is held at Stockton Library, and the plan can be downloaded from the Internet, how many persons are aware of the details? It is considered there must be an on going public awareness program implemented through schools, local media, public meetings, and letterbox.
2. Warning and Information to the public is specified in the DISPLAN (Pp. 19-20). The warnings are made by radio, TV and PA system if needed. If the populace are unaware of the process, and there is a power blackout, (as did occur), the system fails, with possible dire consequences.
3. Evacuation of personnel from disaster affected areas and the warning of them of the need for evacuation. (Pp. 31-34 DISPLAN). Warnings and advice of evacuation are supplied by electronic media. Again, this is largely ineffective during power blackouts.
4. Assembly areas and Evacuation centres are listed for defined areas in the DISPLAN (P. 50). The evacuation centres for Stockton are Newcastle Golf Club Fern Bay, Stockton RSL Club, and Stockton Bowling Club. In the event of a major disaster these premises would be unable to cope with the number of evacuees. It is not known whether other emergency shelters on Stockton have been identified.
5. Register of Vulnerable Groups (Pp. 42-49 DISPLAN). Perusal of the list indicates a number of significant institutions are shown as not having a disaster plan in place. Insofar as Stockton is concerned, it is noted that Stockton Public School does not have a disaster plan, but other institutions do, - eg. Stockton Centre, St Peters School, Wescott Nursing Homes, Stockton Child Care Centre. It is suggested that this aspect needs to be addressed with some priority.

# Rider serious after collision with car

By **MATT CARR**  
and **MATTHEW KELLY**

A STOCKTON man remained in a serious condition in hospital last night after an accident that brought Kooragang Island traffic to a standstill for six hours yesterday.

Greg Harris, 47, was riding to work when his motorcycle and a car collided on Cormorant Drive, north of the Tourle Street bridge at 5.30am.

The accident caused major delays on Industrial Drive,



**STANDSTILL:**  
Police examine the accident scene on Kooragang Island yesterday.

Maitland Road, Werribi Street and Maud Street.

The Pacific Highway at Hexham and the New England Highway at Tarro were also

affected and Cormorant Drive remained closed until 1pm.

Newcastle local area command duty officer Acting Inspector Shane Buggy said

police had worked to keep traffic flowing as long as possible but had struggled to minimise disruptions for drivers.

"It's only one real passage there at Kooragang," Acting Inspector Buggy said.

"We kept traffic going each way as best we could and for as long as we could, but we had to close the road [to investigate]."

Mr Harris was taken to John Hunter Hospital with leg injuries, back pain and abrasions. The sedan's driver was taken to hospital in a stable condition.

## Residents worried over brown plume



POLLUTANT: The nitrogen dioxide plume from the Orca plant drifts from Kooragang Island.

By IAN KIRKWOOD

STOCKTON residents have complained about plumes of brown nitrogen dioxide from the Orca Kooragang Island plant in recent days.

Orca spokeswoman Nicole Ekert confirmed the plumes contained nitrogen dioxide.

Ms Ekert said they came from the No1 nitric acid plant on the Kooragang complex.

The state and federal governments acknowledge links between nitrogen dioxide levels



**CONCERN:** Keith Craig said nitrogen dioxide should be directly regulated.

and respiratory problems.

The federal government says nitrogen dioxide is an "important pollutant" that contributes to photo-chemical smog.

Stockton Community Action

Group spokesman Keith Craig said Orca's state government pollution licence set upper limits for the broad range of nitrogen oxides, the so-called "NOxes", but not for nitrogen dioxide. Nitrogen dioxide has a more serious health impact than other NOx gases and it typically makes up about 20 per cent of the total NOx readings, "Mr Craig said. "In these sorts of cases, when you can see the brown plume, the NO<sub>x</sub> levels are much higher. "We believe NO<sub>x</sub> should be directly regulated, and we are also

concerned that each of Orca's three nitric acid plants have different licence limits, depending on their age and their efficiency." Ms Ekert said NOx levels were sometimes higher when a nitric acid plant was restarted, and this is what the Newcastle Herald reader had captured on Saturday morning. A state government spokeswoman said the nitric acid plants were being reviewed as part of the Orca audit to see if new practices or licence limits were needed.

She said Orca's licence allowed it to release NOx gases during start-up but the Environment Protection Authority had asked Orca for "recent monitoring data as a precaution." She said it was important to note that "one-hour average" readings from the Stockton monitor last year were within national standards. Mr Craig said this may be the case, but average readings could hide peak levels, and the action group was seeking the raw data from the monitors.