

My name is Stan Kiaos I have lived in North Lake Macquarie since 1957 and am also a member of the Boolaroo Action Group.

I seek refusal of Pasmenco Cockle Creek Smelter remediation project modification MP 06_0184 MOD 06 based on the following:

- That this application has been altered significantly and bears little resemblance to its original approval plan
- The Proponent has advised that they are unable to meet their financial and environmental responsibility of managing the containment site and wish to cease the implementation of the Environmental Management Plan upon completion of the earthworks on site
- The Containment Cell needs to be managed in perpetuity and whilst the large amount of funds that the Proponent previously had at its disposal has apparently diminished considerably this does not negate the Proponents environmental responsibilities

Since the original construction of the smelter, our community has suffered significant health issues, stigma, the massive costs associated with the remediation of polluted properties and the imposition of unfair placement of Section 149 Certificates which has resulted in the devaluing of our properties.

Communication has been sadly lacking in transparency. The community were not advised that the results of testing under the LAS would cause them significant financial hardship if they disturbed soil when commencing building work. We believe the L.A.S. failed the Community.

As an example of this a community member who resided in Third Street Boolaroo, unfortunately had their house burn to the ground. They were insured for the rebuilding costs, but Lake Macquarie City Council advised them that they would be required to remediate the property removing the soil before rebuilding which at that time would have been cost the property owners about \$50,000. This cost was prohibitive and as a result the residents moved out of the area.

Another example of this relates to a property owner in Boolaroo had to pay significant costs upwards of \$70,000 to remediate their property with over 50 conditions of consent imposed on them by the Lake Macquarie Council (LMCC) before they were even able to commence building. We need to take into consideration the topography of the area and the fact that the area surrounding this property remains unremediated—including Council owned footpaths and roadways. How can assurances be given that the property owners in question will not be impacted again. Yet when I raised this issue at the last public meeting organised by the Lead Expert Working Group (LEWG) expert dismissed this as a hypothetical.

The "I'll Fated" Lead Abatement Scheme (LAS) was largely unsuccessful even with community participation. Soil delivered to effected properties was of poor quality with residents complaining that previously beautiful lawns were transformed into garden beds of weeds.

There have been several public meetings held by the Boolaroo Action Group, I personally invited a senior partner from Ferrier Hodgson to attend and address the Community, which he declined. Indicating to me at the time that that as a result of recent discussions with the then Mayor and Council Management that there would no need for them to attend as others could address any issue on their behalf.

Historically, LEWG was established together with a Community reference group to work through the concerns of residents and to form ideas that would resolve legacy issues emanating from the contamination of North Lake Macquarie.

This working group has had little positive impact in assisting the community. The community via the Boolaroo Action Group have been advocating for nearly a decade for a local repository and a Future fund to be established to assist the residents with economic relief in the disposal of contaminated soil.

Mr Greg Piper Member of Parliament (MP) travelled to Idaho, America with senior LMCC Staff and an Environmental Planning Agency (EPA) contamination expert looking for ways to improve the management and pollution issues in North Lake Macquarie. This was done at the Bunker Hill smelter in Northern Idaho where Mr Piper was quoted as saying in the Newcastle Morning Herald in 2015, "What struck me most was how well they mapped contamination and had systems in place to keep track of it in perpetuity." They do it in a way that doesn't put any burden on the residents. They make it easy for the residents to dispose of contaminated material and their certificate system is all about keeping an accurate record of pollution without any punitive impact."

The LEWG and Community Reference groups met monthly for nearly 2 and half years to achieve positive outcomes for the community and yet currently we are still waiting for a repository and a future fund for the community. LMCC have received a grant for \$800,00 over 4 years and the EPA received approximately \$1.2 million yet there has been no real benefit to the community.

A repository was eventually identified in 2017 as suitable by these two groups at the Summerhill Dump in the Newcastle City Council area. This was poorly planned, when the first resident attempted to move his contaminated soil to this dump, they were shocked to find that they needed to pay approximately \$250.00 for every cubic metre of soil and they had approximately 50 cubic metres. Incredibly the full capacity of this dump was only 100 cubic metres and all contaminated soil had to be placed in Bulker bags. This was a massive disappointment to the Community.

I recently requested information via email from both the LMCC and the EPA for comment as to where they stand on the proposed modification by the Proponent. I note that the LMCC indicated in the local newspaper that they were NOT part of this decision making. I pointed out in my email that one likely outcome could be that ratepayers may be expected to fund this containment cell in perpetuity and that this was a real concern for the community. I encouraged them to fight on behalf of the ratepayers but disappointingly have received little feedback. I understand that the Mayor, Deputy Mayor and senior management are currently overseas on a study tour at the ratepayers expense and will not be available until they return on 9 August 2018, the day after this case is concluded.

The EPA have supplied me with considerable information which clearly states that the Proponent has been breached for polluting waters in 2015 on 2 occasions, and 2 penalty notices have been issued for failing to publish monitoring data as well as an official caution in 2016 for failure to undertake all monitoring.

There is also a current investigation underway for discharge from the containment cell as a result of irrigation. I understand that Investigations are continuing.

In consideration of the above I strongly recommend that the Minister refuses to accept the proponent's application to modify it plans as per MP 06_0184 MOD 6

Stan Krebs



29-7-18