

Attempted cover-up of asbestos pollution by Clarence Valley Council

In early 2015, the Clarence Valley Council announced a plan to convert the disused sewerage treatment works site at Tyson Street, South Grafton, into a works depot, allowing several existing depots to be closed and sold off.



The old Sewerage treatment works site on the corner of Tyson St, and Rushforth Road.

Only a relatively small corner of the site was taken up by the treatment works and 'sludge lagoon', with the balance being used by the former County Council and Grafton City Council as dumping site for excess soil and fill material. This frequently contained pieces of concrete footpath and other construction materials which led to the entire site resembling a disused, weed-infested garbage tip.



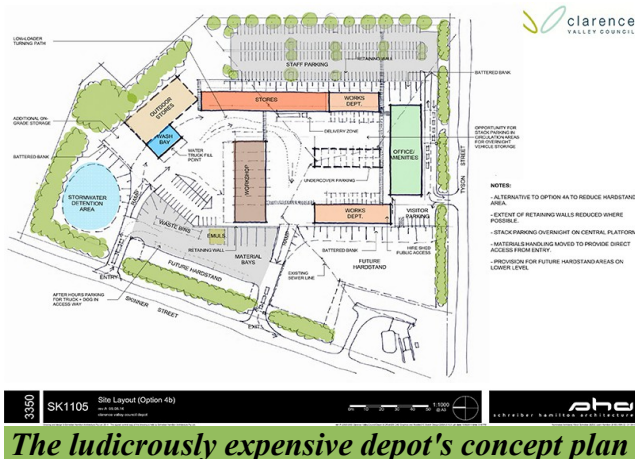
Mounds of dumped waste soil and construction materials cover much of the site.

There was a significant amount of opposition to the development, particularly through a Face Book site, The Clarence Forum, headed up by local resident John Hagger.

Initially the opposition was based on cost, and its close proximity to the South Grafton High School, which borders the site on 2 sides, and residential areas, with noise, traffic and access being cited as the major problems.



***Aerial view of the depot site, outlined yellow.
High school grounds outlined in red.***



The cost estimate of the proposed depot began at a relatively modest \$9 million, but rapidly escalated to \$17 million by the time tenders were accepted. The cost to clean up the highly polluted corner which had housed the treatment works, was put at over \$1 million, and the drawing up of the concept plan alone reportedly cost ratepayers \$750,000.

While that controversy was raging, a 'curve-ball' was delivered, in the form of a statement by the former site manager, claiming that for the 20 years he was in charge of the sewerage works, the former County Council, followed by

North Coast Water, and eventually Clarence Valley Council, had been illegally burying their broken asbestos cement pipes on the site. The problem is that, while buried, the asbestos poses no health risks, but once excavation work begins, and the asbestos is disturbed, friable fragments become airborne and could be deadly. The fact that close to 1000 students study and play sports just across the fence, and that the site is also adjacent to a residential area and recreation reserve, added fuel to the argument of opponents.

It would seem that rather than take the appropriate measures to deal with the matter, Council decided that denial was the way to go, and mounted a concerted campaign to discredit the allegation. Council managers and some Councillors took to social media, slanging members of the public opposing the development, particularly those writing on the Clarence Forum Face book page, branding them as trouble-makers, scare-mongers, and worse.

The informant was also pressured by a suggestion that he could be held responsible, despite his not being directly involved in that side of Council's operations. This was not helped by Council refusing permission for the Forum's John Hagger to accompany him when providing the information to Council. As a result a site map, showing where the asbestos was supposedly buried, was conveyed to Council by the Union representative.

To make that denial campaign even more convincing, Council ordered a search of the site to be carried out by respected specialists in the field, Parsons Brinkerhoff.

That study was duly completed and a report presented to Council earlier this year, with the finding that only above ground fibro and one intact pipe was found, none of which posed any danger. This allowed Council's senior management, then Mayor and Deputy Mayor, to claim publicly that the site was found to be safe. This was then reported in the Daily Examiner (8th March 2016), which published the banner front page headline:

“Council depot site clear of asbestos”.

That story opened with what most would see as an unequivocal guarantee that there was nothing to worry about, stating that:

“FURTHER testing of a proposed Clarence Valley Council works depot site in South Grafton has reinforced earlier findings saying it poses no risk from asbestos”.

From then on, for those who bothered to read the rest of the article, the term ***“friable asbestos”***, was introduced, allowing spokespersons to ignore the discarded fibro and intact pipe. Council's acting general manager, Ashley Lindsay, is quoted as saying: ***“assessments undertaken by independent consultants Parsons Brinckerhoff showed there was no friable asbestos on any land that might be used for the new depot”***, and that ***“This site poses no asbestos-related health risks to anyone”***.

All this despite the previous site manager having reported that asbestos **WAS** buried there. Perhaps that is why, at the end of the Examiner's report, we are provided with Mr Lindsay's disclaimer:

"The reports were based on sampling, so although no friable asbestos was found, we cannot absolutely guarantee nothing will turn up when we start cleaning up the site". Then finally, the comforting assurance that: ***"If it does we will deal with it appropriately and safely".***

However, a close look at what Council requested of Parsons Brinkerhoff is not reassuring, their request being spelled out in Parsons Brinkerhoff's report under ***"SCOPE OF WORK"***, including:

a) site walkover inspection to establish the current site status and identify the location and volume of material which has been imported and stockpiled onsite since the writing of the 2012 ESA report.

b) assess the stockpiled material and collect samples for laboratory analysis in accordance with NEPM 2013 guidelines

c) assess additional areas potentially impacted by historical contamination including a mercury impacted soil burial area at Area 2A and an asbestos pipe identified in proximity to the former sludge lagoon and settlement pond, and

d) undertake a pre-demolition hazardous materials survey of all above ground infrastructure onsite which are scheduled to be demolished.

Nowhere is there any request to search for **buried** material. In fact a late request from Councils manager of water and sewerage, Greg Mashiah, for additional drilling in the sludge pond area was apparently deemed (by Parsons Brinkerhoff) as unnecessary, and never done.

This is the point where the Clarence Environment Centre became involved. We made inquiries from two other retired employees from middle management, and both agreed that, while not actually witnessing it first hand, it was common knowledge that not only were old burst pipes buried at the site, but new pipes were stored there and were routinely cut and chamfered on site to replace those broken ones, and that the "sawdust", i.e. small fragments of asbestos and cement, were also buried.

As John Hagger had pointed out that Council's instructions to Parsons Brinkerhoff did not match his understanding of where the informant claimed the asbestos was buried, the Centre requested a copy of the map that was reportedly provided to Council by the informant. That request received a flat **NO** in response, so we proceeded with a GIPA (Government Information Public Access) request, and again that request was denied, claiming: ***"an overriding public interest against its disclosure"***, and that it would, ***"reveal or tend to reveal the identity of an informant or prejudice the future supply of information from an informant"***.

At the same time we learned that one Councillor had also asked to see the map, and had likewise been denied, the reason given was that the matter had been dealt with.

The Centre responded to this refusal by requesting an internal review of the decision, pointing out that: ***"The informant has been named, with his permission, through social media and in Council correspondence that has subsequently been made public. His allegations have been widely reported in print media, and discussed at Council meetings over the past year"***. We also stressed that ***"There would be possibly thousands of local citizens who have children, grandchildren, brothers, sisters and other relatives currently attending the South Grafton High School, the health of whom could be put at serious risk if this site is not properly declared a polluted site, and cleaned up in the mandated manner. As such we claimed, this matter was quite clearly in the public interest!"***

Somewhat to our surprise, we were successful, and the map, and an email from Council, were provided to us (see map below).



We showed the map to the informant, and much to our surprise we learned that he had not been approached by Council asking if he objected to us being given a copy, the reason given by Council for the delay in providing it, He also claimed the map was not the one he had provided. However, as the information on it was essentially the same, and as by that time work on the depot had all but commenced, we decided not to progress the issue further at that point.





Within weeks of starting excavation, a process that involved large numbers of machines, with dust clearly visible in the air despite the best efforts of a water tanker, which saw all vegetation ground cover removed and huge piles of earth bulldozed together presumably awaiting removal.

Part of the process of “dealing appropriately” with any asbestos if it was found, was the EPA's insistence that an approved Site Auditor be present at all times during excavation. Then, in early November, work appeared to come to a virtual stand-still. When questioned, workers on site admitted that they had uncovered asbestos. A Council officer informed me that because of that pollution, work was held up until the new year and all material was being sieved, stockpiled, and would eventually be sent to Brisbane for disposal.

Details of what was actually happening were scarce. However, release of the Council Papers, for the November 15 Council meeting, contained the following excerpts:

ORDINARY COUNCIL MEETING 15 NOVEMBER 2016 (Page 30)

ITEM 13.062/16

**GRAFTON DEPOT RATIONALISATION PROJECT –
PROJECT UPDATE AND PROJECT CONTROL GROUP MINUTES**

Directorate Works & Civil

Reviewed by Acting General Manager – Ashley Lindsay

The attached Project Control Group Minutes (PCGM), includes “Officer Recommendation” that:

- 1. Council receive and note the minutes of the Depot and Office Rationalisation Project Control Group meeting from 2 November 2016.***
- 2. A report be presented to a future meeting which details the appropriate treatment and cost estimate for the further remediation works resulting from the discovery of latent conditions upon the former STP site at South Grafton which will be funded from the Sewer Fund.***

“Latent conditions”? What is this? Ploughing through a page of “Key Issues”, we learned that the builder has encountered these “latent conditions” in the form of greater waste, organic quantity, biosolids mixed with waste, and uncontrolled fill, than was anticipated. Keep reading and we discovered that the “uncontrolled fill” includes ACMs or **Asbestos Containing Materials.**

At last Council, probably under pressure from the EPA approved Site Auditor, was taking the matter seriously, explaining that: ***“To ensure increased monitoring of the site, Hutchinsons Builders have installed air monitoring stations around the boundary of the site, some site staff carry individual air monitoring devices, increased watering has been undertaken and as a precautionary measure Stockpiles on site have been treated with a polymer spray to provide an increased level of safety”.***

However it seems the high school students were still allowed to play their sports just across the fence no matter which way the wind blew.

Minutes of the PCG Meeting #3, held in Maclean, reveal there were: “*Remediation Issues*”, which include:

1. *The sifting of the stockpiles has resulted in roughly 30% waste being separated, which is much higher than the quantity indicated in the Remediation Action Plan (RAP). The actual level of waste in the stockpiles would have been difficult to define but the estimates in the RAP were significantly lower than actual”.*

And then:

2. *Asbestos risks were noted in the RAP but in the roughly 4,000m3 of uncontrolled fill sifted thus far around 900kg of bonded asbestos has been uncovered. All asbestos and contaminants have been managed in accordance with the Site Management Plans.”*



By mid November, a mountain of sieved soil material had been stockpiled, some 25m from the high school fence.

Put simply, from a mere 4,000m3 of uncontrolled fill they had already found almost a ton of asbestos containing material. This on a site that, just 6 months earlier, Council had assured a gullible public was “clear of asbestos”.

However, despite that earlier assurance, the Council Papers' author, Troy Anderson, then went on to make the extraordinary admission that “A quantity of asbestos containing material was always expected to be encountered on-site”.

If this is true, someone in authority at Council needs to be called to account for criminal negligence, by wilfully misleading the public, and placing the health, and possibly lives, of residents and students at risk.



The stockpiles of sieved soil stacked adjacent to the high school grounds. The blue mesh covered boundary fence clearly visible protruding from behind the right hand side of the stockpile.

The fact that the treatment of the contaminated material could cost ratepayers an additional \$2.5 million is only part of council's woes, with Anderson, warning: *“There is a level of risk that NSW EPA may take action with regard to waste being placed upon the site”.*

Illegalities relating to asbestos dumping aside, this entire affair reeks of corruption, cover-up, and criminal negligence. Even after the Council Papers were released, the secrecy continued, with Councillors briefed on the issue in a “workshop” held in closed session prior to the actual meeting on 15th November. After all nobody would want awkward questions to be podcast live from the meeting!!!!

On the afternoon of the Council meeting, we checked the veracity of Council's assurance that the stockpiles of soil were being rendered safe and if indeed ***“increased watering has been undertaken and as a precautionary measure Stockpiles on site have been treated with a polymer spray to provide an increased level of safety”***.

It was hard to determine if any polymer spray had been applied to the stacks, but if it had the increased watering, which clearly had occurred, had eroded channels down the side of the stockpiles, presumably removing the polymer in the process (see below).



Eroded channels down the sides of the stockpiled soil are clearly visible, suggesting watering has removed any polymer coating that may have been applied.

There was no doubting that increased watering was occurring, that evidence was clear, with copious quantities flowing out from under the fence and down the roadside (see image at right), presumably carrying any fragments of asbestos with it!!!

It is worth noting the the Clarence Valley's Independent newspaper reported (16th November) that: *“warning signs (among other issues, including if neighbours and the adjacent school had been notified), as per Council's own policy and Workcover's 'How to Safely Remove Asbestos Code of Practice', were not evident at the site”*

The EPA undertook an on-site inspection the day after the Council meeting, but so far we have no feedback on that. Naturally, we have asked that the affair be thoroughly investigated.

Compiled by John Edwards
Honorary Secretary
Clarence Environment Centre

