

# Likely Asbestos Threat to School Students in the Clarence Valley

18<sup>th</sup> May 2016

In 2015, the Clarence Valley Council released plans for a new works depot in South Grafton, on the site of a now disused sewerage works which lies immediately adjacent to the local high school.



This grandiose plan, which will see the logical closure of a number of existing depots, the legacy of forced amalgamation of five local councils and a number of county councils a decade ago, will reportedly cost ratepayers some \$17 million.

Amongst the many reasons put forward by opponents to the location of the proposed depot, was a report from a retired former site manager, who alleged asbestos material, mostly old broken water pipes, had been routinely buried at the site for decades.

The issue raged on social media for several months before the Clarence Environment Centre (CEC) was approached for support. With allegations of attempted cover-ups and denials, the Union was brought in, as was Worksafe NSW, which resulted in Council finally agreeing to an assessment of the site which was undertaken by Parsons Brinkerhoff, specialists in the field of asbestos contamination.

The CEC made some cursory inquiries of other former council employees who, while all admitting they had not personally seen the asbestos dumping did believe it had occurred. As a result the CEC was convinced enough to write to Council seeking clarity. That letter was emailed, and acknowledged, on 4<sup>th</sup> March 2016.

The Parsons Brinkerhoff findings were presented a few days later in a report that explained some 40 soil samples had been collected from earth stockpiles around the

site, much of which had been used as a 'borrow site' where surplus soil from excavation work was stored (presumably for later use if or when fill was required), and the site is still covered by these unsightly mounds of earth today.



*View of the site from Rushforth Road (Skinner Street), with the extensive weed covered mounds of stockpiled earth behind the original sewage works site, which occupies the south west corner.*

Opponents to the depot proposal were critical of this report, claiming Council had deliberately misled the consultants into searching the stockpiles rather than underground where the informant had indicated the toxic material had been buried.

If the buried material was toxic, it was nothing compared to the Facebook conversation on the subject. Councillors lined up to accuse the detractors of scare campaigning and spreading false information, while hints of corruption and nepotism were returned.

Council claimed the consultants had been told to search the areas where the informant had told the union representative the burying had occurred (The union rep had apparently acted as a go-between between Council and the informant). Rumours were rife, the most disturbing of which was that the informant had been warned to back off for fear he would be held responsible for the illegal dumping, and that was the reason why no underground sampling occurred.

The Facebook battle continued to rage (CEC was not involved in that), and two months passed with no response to CEC's letter, despite Council's 10 day turn-around policy for responding to letters. This delay was a concern, and coupled with reports that other organisations were also experiencing delays or no response to complaints, the CEC emailed all Councillors on 28<sup>th</sup> April, asking that the issue of non response to letters be addressed.

That email drew a response from the Mayor, who said he'd raised the matter of the unanswered letters, indicating that a response was imminent. The following letter from CEC to Council was delivered on Friday 13<sup>th</sup> May, and is self explanatory, bringing us up to date on the matter. We will inform our readers of the outcome.

John Edwards (Honorary Secretary)



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Date: 13 May 2016

The General Manager  
Clarence Valley Councillor  
Prince Street  
Grafton

Dear Sir

### Unanswered letters and Tyson St asbestos pollution

On 28<sup>th</sup> April, I emailed all Councillors on behalf of the Clarence Environment Centre, venting our frustration over a series of unanswered letters dating back to 2<sup>nd</sup> March, one of which contained serious concerns relating to the reported asbestos pollution at the proposed Tyson Street works depot site.

I was pleased to receive responses from some councillors, only one of which agreed with our strong belief that Council needs to take the reports of buried asbestos at the site more seriously.

I appreciated the Mayor's assurance that our concerns about unanswered letters had been passed on, and the admission that our futile 2 month wait for a response, has exceeded Council's 10 day turn-around policy.

I'm happy to report that we have received a response to one of those letters, the one supporting initiatives put forward by Councils Climate Change Advisory Committee. However, the fact that we have waited a further 2 weeks, with still no response to our two separate asbestos concerns, is becoming really disturbing, particularly as the Mayor had assured us that he "*would expect a reply to your letter and concerns would be reasonably easy for the Council to draft, as there have been previous answers to similar questions provided by the council to the community in the recent past.*"

However, the Mayor's response had more to do with semantics over what messages had been conveyed to Councillors on the asbestos issue, specifically taking me to task over comments in my earlier email suggesting that he and yourself had informed Councillors that the Tyson Street site was asbestos free. To be fair I was unable to provide transcripts of Council meetings to back that comment, owing to my reluctance to waste time listening through hours of Council podcasts, all of which was purely academic anyway, because all recipients of our email would have attended the Councils meeting in question, and would know exactly what was reported on that issue.

As we see it, regardless of what was or was not said in Council, the media was very specific in its reporting of the issue to the public, with the Examiner's headline (8<sup>th</sup> March) announcing, "***Council depot site clear of asbestos***".

As far back as February, the 'Independent' newspaper reported: "*Mr Greensill said that, while contamination and remediation issues are being discussed, **there is no identified asbestos on the site***".

The subsequent findings of the Parsons Brinckerhoff (PB) report led to a series of carefully worded statements including Council's 7<sup>th</sup> March Media Release which claimed: *“This latest report backs up findings of a report prepared in 2013 that also **found no evidence of friable asbestos on the site**”*. The following day Acting GM Ashley Lindsay was reported in the Examiner as claiming: *“assessments undertaken by independent consultants Parsons Brinckerhoff **showed there was no friable asbestos on any land that might be used for the new depot**”*.

In response to subsequent questioning by Councillor Thoms, your comments were a little more cautious when stating that: *“In regards to your question relating to the past dumping on the site, all I can state is that our investigations have clearly revealed that asbestos is not present **in the samples** that have been taken”*.

That statement carries very little assurance to ourselves when, having read the PB Report, note that only 43 soil samples were submitted, and the Envirolab report (included in the document) showed Chrysotile, and/or Amosite asbestos was detected in 4 of the 11 materials samples tested, materials that were presumably lying around the site.

More significantly though, was your final response to Councillor Thoms' question stating that: *“**I cannot answer if asbestos has been or has not been dumped previously.**”*

This admission that Council's management does not know if asbestos lies buried on the site, should be the focal point of any future planning and, given the proximity to the High School, we believe that management must start with the assumption that the site is contaminated.

Through speaking with a number of past and present Council employees, we have concluded that along with pipe fragments much of the buried asbestos is likely to be in particulate form as the result of cutting the pipes. As pointed out in the Envirolab recommendation, *“even after disintegration it can be difficult to detect the presence of asbestos in some asbestos containing bulk materials”*, suggesting this is not something that an excavator operator will necessarily observe while digging up the site.

Reading “Guidelines for the Assessment, Remediation and Management of Asbestos-Contaminated Sites”, we learn that, *“free fibres of asbestos, small fibre bundles and also ACM fragments that pass through a 7mm x 7mm sieve, are asbestos fines. Both free asbestos and asbestos fines have the potential to generate or be associated with free asbestos fibres, **which can pose a considerable inhalation risk if made airborne.**”*

Therefore, we strongly believe the Precautionary Principle must prevail, and we do not accept your assurance that, *“if asbestos is found, we will deal with it appropriately and safely”*, is adequate under the circumstances.

Asbestos is in the news everywhere, and even this week the dangers associated with Council road works have been widely reported. Also there are some forecasts that within 30 years, asbestos related deaths in Australia will have exceed the numbers of Australians killed in the First World War. This is a highly toxic substance, and we urge Council to deal with it accordingly.

Yours sincerely

John Edwards  
Honorary Secretary

At this stage we can only conclude that Council's failure to respond is driven by a reluctance to commit anything in writing. Therefore, we ask that you Councillors, as elected representatives, start representing our best interests in this matter, and request that Council declare the site polluted.

*Asbestos ID - Qualitative identification of asbestos in bulk samples using Polarised Light Microscopy and Dispersion Staining Techniques including Synthetic Mineral Fibre and Organic Fibre as per Australian Standard 4964-2004.*

*At the time of the inspection low risk non friable asbestos containing materials (ACM) were identified through the property. Refer to site plan in Appendix B.*

It is recommended that the hazardous materials remain in situ, providing the condition of the material does not change. The material should also be monitored by an occupational hygiene consultant within a year of this survey being completed. If the material deteriorates further it is recommended that it be removed in accordance with the How to Safely Remove Asbestos: Code of Practice 2011.