

Environment Protection Authority

Declaration of remediation site

Section 21 of the Contaminated Land Management Act 1997

Declaration Number 21027

The Environment Protection Authority (EPA) declares the following land to be a remediation site under the Contaminated Land Management Act 1997 (“the Act”):

1. Land to which this declaration applies (“the site”)

The site incorporates the following areas:

- - Lot 201 DP 805914 in the Local Government Area of Lake Macquarie, known locally as the Pasminco Cockle Creek Smelter located in Boolaroo, New South Wales (“the Pasminco site”); and
- - That part of the bed sediments of the southern part of Cockle Creek in line with the northern boundary of the Pasminco Cockle Creek Smelter (Lot 201/DP805914) and continuing south to Cockle Bay (“the Cockle Creek site”); and
- - The bed sediments of Cockle Bay in North Lake Macquarie extending from Cockle Creek and enclosed by a straight line from the public wharf marked in dark brown on the DLWC map and the foreshore of Cockle Bay at the end of Aspinall Street, Booralgal (“the Cockle Bay site”).

A copy of the DLWC map (Department of Land and Water Conservation land information map for North Lake Macquarie/Cockle Bay area (reference “Date of Status 4 July 2001, prepared by Virginia Gray”)) is available for inspection at the EPA offices at 59-61 Goulburn Street, Sydney.

2. Nature of the substances causing the contamination (“the contaminants”):

Metal contaminants, in particular lead, cadmium and zinc.

3. Nature of harm that the substance may cause:

The EPA has considered the matters in s.9 of the Act and has found that

(a) In relation to the Pasminco site:

- • The contaminants would not be normally present in groundwater at the Pasminco site at the elevated levels found;
- • The contaminants are present in groundwater at the Pasminco site and at points close to the site boundary at concentrations significantly exceeding the ANZECC (2000) 95% trigger values for the protection of aquatic ecosystems;
- • The contaminants are persistent in and toxic to aquatic ecosystems;
- • Lead is also recognised as being bioaccumulative in humans and the environment; and
- • Contaminants from the Pasminco site are migrating in air to nearby residential areas, in groundwater towards Cockle Bay and Cockle Creek and in surface water to Cockle Creek, which discharges to Cockle Bay.

The EPA has found that the contamination at the Pasminco site poses a significant risk of harm to the environment. There is a significant risk that harm is being caused to the biota that is in contact with the contaminated groundwater and harm to human health by offsite migration of airborne contamination.

(b) In relation to the Cockle Creek and Cockle Bay sites:

- • The contaminants would not be expected to occur at the Cockle Creek and Cockle Bay sites at the elevated levels found;
- • The contaminants are present in the bed sediments of Cockle Creek and Cockle Bay at concentrations significantly above the ANZECC (2000) sediment quality guidelines;
- • Increased rates of skeletal abnormalities have occurred in larval fish in Cockle Bay (North Lake Macquarie);
- • There is a decreased scope for growth in test organisms placed in sediments of Cockle Bay;
- • There is an accumulation of lead and cadmium in muscle and reproductive tissues of fish in Cockle Bay; and
- • The approved use of Cockle Creek and Cockle Bay increases the risk of exposure of aquatic organisms arising from the disturbance of sediments.

The EPA has found that the contamination in the bed sediments at the Cockle Creek and Cockle Bay sites poses a significant risk of harm to the environment. There is a significant risk that:

- • Harm is being caused to estuarine organisms living in the sediments by direct exposure to the contaminated sediments; and
- • Harm may be caused to larger aquatic organisms from the consumption of contaminated sediments and smaller aquatic organisms.

4. Further action under the Act

The making of this declaration does not prevent the carrying out of a voluntary remediation of the site and any person may submit a voluntary remediation proposal for the site to the EPA. If the proposal satisfies the requirements of s.26 of the Act, the EPA may agree not to issue a remediation order to the person or persons bringing the proposal.

5. Submissions invited

The EPA advises that the public may make written submissions to the EPA on:

- • Whether the EPA should issue a remediation order in relation to the site or
- • Any other matter concerning the site.

Submissions should be made in writing to:

Director Contaminated Sites
Environment Protection Authority
PO Box A290
SYDNEY SOUTH NSW 1232

or faxed to: 02 9995 5930 by not later than **11 October 2002**.

Signed by

CAROLYN STRANGE
A/Director Contaminated Sites
ENVIRONMENT PROTECTION AUTHORITY
(by Delegation)

Date: 10 September 2002

NOTE:

Remediation order may follow

If remediation of the site or part of the site is required, the EPA may issue a remediation order under s.23 of the Act.

Variation/Revocation

This declaration remains in force until it is otherwise varied or revoked. A declaration may only be revoked when the EPA does not have reasonable grounds to believe that land is contaminated in such a way as to present a significant risk of harm (s.44 of the Act).

Information recorded by the EPA

Section 58 of the Act requires the EPA to maintain a public record. A copy of this remediation declaration will be included in the public record.

Information recorded by councils

Section 59 of the Act requires the EPA to inform the relevant local council that this declaration has been made, as soon as practicable. The council is then required to note on its planning certificate issued pursuant to s.149 (2) of the Environmental Planning and Assessment Act that the land is currently within a remediation area. The EPA is required to notify council as soon as practicable when the declaration is no longer in force and the notation on the s149 (2) certificate is removed.