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Brisbane City Council

MEMORANDUM

Date: 27 January 2011

To: Colin Jensen
Chief Executive Officer
Brisbane City Council
Vicki Pethybridge

Via: Manager
Families and Community Services Division

Brett Turville
Manager
Compliance and Regulatory Services Branch

CC: John Jordan
Manager
Natural Environment and Sustainability Branch

From: Luke Forster
Acting Regional Manager (CARS Recovery Team)
Compliance and Regulatory Services Branch

Re: Hazardous materials deposited in waterways during the 2011
Brisbane Flood [Part2]

Families and Community Services
Compliance and Regulatory Services
266 George Street, Brisbane

Phone:
Mobile:
Email:

PURPOSE

To outline Council's efforts to engage the Queensland Government to lead emergent works to assess and recover hazardous materials from Brisbane waterways, particularly the Oxley Creek catchment.

ISSUE

While there were numerous creeks across Brisbane which suffered flooding and contamination due to the 2011 Brisbane Flood, the area of Oxley Creek catchment (including its tributaries such as Stable Swamp Creek) are at greater risk due to the large number of adjacent industrial/commercial facilities.

Many of these industrial/commercial facilities were inundated during the flood including a large number of high risk facilities of interest to both the Brisbane City Council and the Queensland Government. The inundation of these premises led to the release of large volumes of hazardous materials into Oxley Creek and its tributaries.

BACKGROUND

See previous Memorandum 'Hazardous materials deposited in waterways during the 2011 Brisbane Flood' dated 25 January 2011.

Due to the scale of this matter and the contamination/potential contamination of the environment, Council maintained its position that the situation constituted serious/material environmental harm and as such exceeded Council's responsibilities under the *Environmental Protection Act 1994*. Subsequently, Council continued its request for the Queensland Government to accept the lead role in response to this situation and, in particular, that the Queensland Government activate the Hazardous Materials Incidents Recovery Plan.

To this effect, Council initiated a meeting with the Queensland Government Department of Environment and Resource Management (DERM) at midday on Tuesday 25 January 2011. The meeting was chaired by Mr Terry Wall, Associate Director DERM. Council's lead representative was Ms Vicki Pethybridge, Manager Families and Community Services Division.

The following was discussed during the meeting:

- Council presented its position and request for the DERM to activate the Hazardous Materials Incidents Recovery Plan (HMIR Plan);
- Council outlined the need for detailed assessment and inspection of Oxley Creek and associated catchments to determine the extent of the problem;
- DERM suggested that the situation was essentially just waste collection or could be covered by the 'Orphan spill' agreement;
- Council outlined that the matter fell to the responsibility of the DERM as environmental harm and was not covered by the 'orphan spill' arrangements;
- DERM suggested its preference would be for Council to create a recovery sub-committee, put DERM in charge and with all costs to be covered by Council under the Natural Disaster Relief and Recovery Arrangements (NDRRA);
- Council and DERM agreed that the situation required a holistic approach across government;
- Council reiterated its request for DERM to take lead and task Council as appropriate;
- DERM requested an executive summary from Council to assist in making a decision;
- DERM requested a further meeting including representatives of other key agencies after reviewing the executive summary to which Council agreed.

Follow this meeting, Council developed a short briefing reiterating Council's request for the Queensland Government to take the lead. The brief included photographs and was sent from Council's Local Disaster Coordination Centre (LDCC) Incident Controller at 1900 hours on Tuesday 25 January 2011 to the Associate Director of DERM, the Assistant Commissioner Queensland Fire and Rescue Service (QFRS), and the Manager Hazardous Industries and Chemical Branch (HICB).

A further meeting was held at midday on Thursday 27 January 2011 with DERM, QFRS, HICB and Council to resolve the matter. The following was discussed at the meeting:

- QFRS outlined its support and willingness to work with whoever was lead;
- Council requested activation of the HMIR Plan;
- QFRS outlined a desire to receive a situation report before making a decision;
- Council provided a brief précis of the situation and provided a short briefing, photographs and outline of the risk to the group;
- HICB outlined there are no major issues from their perspective and that they are working with Dulux;
- DERM specialist outlined that most contamination was surface contamination and there was a low likelihood of any land becoming contaminated due to the significant dilution of any contaminants;
- QFRS outlined that many, but not all, containers were empty and did not agree that the HMIR Plan should be activated;
- QFRS recommended that DERM should take the lead and engage a private contractor to manage the assessment, inspection, identification, recovery and removal of all hazardous materials from Oxley Creek and its associated tributaries;
- Council reiterated that the process had several phases including short term clean up of HAZMATs and long term monitoring/recovery of the waterway;
- Council also reiterated that the HIRM Plan be activated or at least its principles/processes adopted to coordinate the response;
- Council asked that DERM ensure the health and impact of the situation on the waterway be assessed and that the Oxley Creek Catchment Group be included at some level;
- All parties agreed that Oxley Creek and its tributaries would be the focus of this response and that the process may then be applied to other creeks/similar situations as circumstances warrant;
- DERM summarised the meeting:
 - DERM will take the lead on response to HAZMATs in Oxley Creek and its tributaries;
 - The principles and processes of the HRIM Plan will be applied;
 - DERM will coordinate the engagement of a contractor to undertake the assessment, inspection, identification, recovery and removal of all hazardous materials from Oxley Creek and its associated tributaries and to undertake environmental monitoring;
 - DERM will establish a HAZMAT recovery committee including members from at least DERM, QFRS and Council
- DERM outlined that a letter will be drafted from the Director General DERM to all agencies and Council's CEO confirming this resolution from the meeting and inviting stakeholders to join the committee.

KEY ISSUES

1. DERM has accepted responsibility in relation to HAZMATs in Oxley Creek catchment

The DERM accepted responsibility for the coordination, leadership and response in relation to the presence of hazardous materials in Oxley Creek and associated tributaries (the Oxley Creek catchment). DERM will establish a HAZMAT recovery committee to coordinate the engagement and oversight of a contractor as outlined above. The committee will establish the terms of reference for the contractor, provide/request advice from relevant agencies and coordinate media on the matter.

2. Terms of reference for coordinating committee

While the terms of reference for the coordinating committee were not specifically confirmed, it was broadly resolved that the committee (and any contractor/s) should be focused on:

- a. Establishing the extent and nature of contamination of the Oxley Creek Catchment by hazardous materials as a result of the flood;
- b. Establishing whether the contamination by hazardous materials poses a risk to the environment or the community; and
- c. Managing the risk posed to the environment and community, including cleaning up hazardous materials and containers, packages and drums that contained hazardous materials.

3. Media and communication

Council will need to immediately develop a media plan to respond to any enquiries from the public, media, or community groups. The media plan should outline that DERM make the point that the DERM is responsible for assessment, investigation, clean up and monitoring of the Oxley Creek catchment and that Council has offered its support to DERM. It might also be noted that Council initiated this program of work following Council's identification of the problem. The Oxley Creek Catchment Group should be informed of the response. Any enquiries should be directed to DERM.

4. Coordination in relation to regulated activities

Brisbane City Council, the Department of Environment and Resource Management, and the Hazardous Industries and Chemicals Branch have commenced inspections of high risk activities in flood effected areas. This includes a large number of inspections in the areas of inundation adjacent to Oxley Creek and its tributaries. Many of these facilities are of interest to multiple agencies and as such inspections should be coordinated where possible to minimise impact on business and the likelihood of conflicting advice.

Council should also ensure it is represented on and participates in the HAZMAT recovery committee providing advice/recommendations as necessary. Council's primary role in the program of work should be in an advisory and support role to DERM. Any other involvement should be as a contractor to the program of work in relation to the assessment, inspection, recovery, removal and environmental assessment of the Oxley Creek catchment. This is consistent with Council's role in other incident responses where the Queensland Government is the lead agency.

The first meeting of the coordinating committee has been tentatively scheduled for Friday 28 January 2011. At this time, Council's representatives on the committee will include Compliance and Regulatory Services Branch, Natural Environment and Sustainability Branch and Water Resources Branch.

RECOMMENDATIONS

1. **Note the contents of this memorandum;**
2. **Agree to the DERM proposal subject to Key Issue 2 and 3 being clearly outlined;**
3. **Support Council's continued involvement and coordination with other agencies as outlined in Key Issue 4.**

Luke Forster

Acting Regional Manager (CARS Recovery Coordination Team)

Compliance and Regulatory Services