



Australian Government
Department of the Environment

Ref: EC16-000012

Foreign Affairs, Defence and Trade Committee
Department of the Senate
Parliament House, Canberra ACT 2600

Thank you for your email of 6 January 2015 seeking a response to Senator Rhiannon's written questions on notice to the Department of the Environment. The Department's responses to your questions are below:

- a. *Why has the Australian Government not ratified the addition of perfluorooctane sulfonate (PFOS) to the list of chemicals requiring an 'action plan' when it was added to the Stockholm Convention Annex in 2009?*

Response

On ratification of the Stockholm Convention in 2004, Australia made a declaration under Article 25 paragraph 4 that *'any amendment to Annex A, B or C shall enter into force only upon the deposit of Australia's instrument of ratification with respect thereto'*. The listing of PFOS on the Stockholm Convention in 2009 does not enter into force for Australia until the domestic treaty making process is complete and an instrument of ratification has been transmitted. The domestic treaty making process includes preparation of a regulation impact statement and national interest analysis, tabling of the treaty action to the Joint Standing Committee on Treaties and agreement to ratification by the Executive Council. The Australian Government takes its obligations under the Stockholm Convention seriously and will not ratify the listing of PFOS until it is able to ensure that all the requirements of ratification can be met within Australia and that ratification is in Australia's national interest.

The Department is continuing to develop a complete picture of all PFOS use in Australia, and refining options for implementation of the Stockholm Convention requirements. This has included consultation with impacted business, industry and state and territory governments, among others. The next step will be the release of a regulation impact statement on the regulatory implications of ratification under the Convention for consultation, including cost benefit and regulatory burden analyses which have been commissioned by the Department.

- b. *Could you clarify the nature of your communications with NSW Environmental Protection Authority (EPA) regarding the notice and information given to the affected community around RAAF Base Williamtown? The NSW EPA indicated at the public hearing on 22 December*

2015 that they escalated concerns about this matter to Department of the Environment (DoE) in November 2013 (Committee Hansard, 22 December 2015, pp 46, 50).

- c. What was the nature of your communications with the NSW EPA regarding giving notice to the affected community about the contamination? That is could you clarify the information provided that the NSW EPA escalated this matter with the DoE in November 2013?

Response

On 18 November 2013 Mr Gary Davey, Director North Branch, NSW Environment Protection Authority, wrote to the Department to notify it of site contamination investigations being undertaken at Williamtown RAAF Base. The letter noted that the contamination was the result of past practices at the air base, which was established in 1941 and the stated purpose was 'for any further actions you may consider necessary'. The letter nominated Mr Mark Hartwell, Acting Manager EPA Hunter Region as a contact.

On 16 January 2014 an email was sent to Mr Hartwell requesting contact details for the relevant person in the Department of Defence for correspondence, and asking if any additional information was available. A response was received on 17 January 2014 providing a contact person's name and address, and advising that there was no further information to provide at that time.

The Department did not respond to the correspondence of 18 November 2013 and has not had any further correspondence with the EPA on the matter.

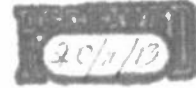
A copy of the 18 November correspondence from the EPA is attached.

More generally, the Department had been consulting with all state and territory environment agencies on PFOS and Stockholm Convention related matters during 2014 and 2015 including the NSW EPA. It also advised all state and territory environment agencies in April 2015 that the Department was working with other Commonwealth agencies aimed at developing 'Interim Environmental Management Guidance' for use on Commonwealth land. The heads of all environment protection agencies were also updated on this work on 7 December 2015

Yours sincerely

Rhondda Dickson
Acting Secretary

15 January 2016



Your reference:
Our reference: DOC13/83529; EF13/8309
Contact:
Electronic correspondence to: hunter.region@epa.nsw.gov.au

Mr Shane Gaddes
Assistant Secretary
Compliance and Enforcement Branch
Department of the Environment
GPO Box 787
CANBERRA ACT 2601

*Mr Curth
For Appropriate Action S.G.*

Dear Mr Gaddes

NOTIFICATION OF SITE CONTAMINATION INVESTIGATIONS WILLIAMTOWN RAAF BASE NSW

This letter is to notify the Department of the Environment of a site contamination issue identified at the Royal Australian Air Force Base located at Williamtown NSW (Williamtown RAAF Base). This matter was identified by the Department of Defence (DoD) and is currently on-going with further site assessments proposed.

By way of background, in 2012 the DoD notified the NSW Environment Protection Authority (EPA) of potential contamination issues at the Williamtown RAAF Base. The contamination resulted from past practices at the premises. Preliminary site investigations analysing groundwater and surface water quality were conducted at the site.

The outcome of this analysis was the detection of various contaminants in a number of the groundwater and surface water sample sites. Based on these results, the most significant parameters of concern are perflourooctane sulfonate (PFOS) and perflourooctanoic acid (PFOA) concentrations detected in sample sites at the base as well as some surface water sample sites outside the base.

The site assessments and results were detailed in the reports:

- "Treatment Plant Overflow Area Investigation Report" prepared by Aecom Australia dated 7 September 2012; and
- "Treatment Plant Effluent Lagoon Investigation Report" prepared by Aecom Australia and dated 7 September 2012.

On 24 May 2013, the EPA received the report titled "RAAF Williamtown Stage 1 – Conceptual Site Model for AFFF Contamination" dated March 2013. This report identified a number of key findings in relation to the extent of contamination and specifically noted a Stage 2 assessment is required to fully identify the extent and significance of any issues. The covering letter proposed the commencement of Stage 2 investigations early in the 2013/2014 financial year.

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The EPA wrote to DoD on 26 September 2013 requesting an update on the Stage 2 works and proposing a meeting with all relevant agencies to outline and discuss the further investigation works. To date the EPA has received no response to this letter.

As you are no doubt aware, given that DoD is a Commonwealth Government agency the EPA does not have a regulatory role in this matter. This letter is to formally notify your agency of the current situation at the Williamstown RAAF Base for any further actions you may consider necessary.

The Department of the Environment may wish to be part of future discussions between agencies. If so, would you please ask the relevant officer to contact Mr Mark Hartwell, Acting Manager – EPA Hunter Region. Mr Hartwell may be contacted on

Yours sincerely

18 NOV 2013

GARY DAVEY
Director – North Branch
Environment Protection Authority