



ACT
Government

Chief Minister, Treasury and
Economic Development

Freedom of Information Publication Coversheet

The following information is provided pursuant to section 28 of the *Freedom of Information Act 2016*.

FOI Reference: CMTEDDFOI 2021-079

Information to be published	Status
1. Access application	Published
2. Decision notice	Published
3. Documents and schedule	Published
4. Additional information identified	No
5. Fees	N/A
6. Processing time (in working days)	40
7. Decision made by Ombudsman	N/A
8. Additional information identified by Ombudsman	N/A
9. Decision made by ACAT	N/A
10. Additional information identified by ACAT	N/A

From: [EPSDFOI](#)
To: [CMTEDD FOI](#)
Subject: Possible-Full Transfer of Application-EPA Documents 2017-2021
Date: Friday, 7 May 2021 9:01:34 AM
Attachments: [3438-7267-3044-v1 - ACT FOI request letter \(EPSDD\).pdf](#)
[image001.png](#)

OFFICIAL

Good morning

Please see the attached application received by EPSDD and advise if CMTEDD accepts full transfer.

Kind Regards

Angelina Aloisi | Information Governance Officer

Information Governance

Environment, Planning and Sustainable Development Directorate | ACT Government

Phone: 02 6207 7912 | Email: Angelina.Aloisi@act.gov.au

Level 5, 480 Northbourne Avenue, Dickson | GPO Box 158 Canberra ACT 2601 |

www.environment.act.gov.au | www.planning.act.gov.au



Please consider the environment before printing this email

This email, and any attachments, may contain confidential information. If you are not the intended recipient please notify the sender and delete all copies of this transmission along with any attachments immediately. You should not copy or use it for any purpose, nor disclose its contents to any other person.

From: [REDACTED]
Sent: Thursday, 6 May 2021 4:37 PM
To: EPSDFOI <EPSDFOI@act.gov.au>
Cc: [REDACTED]
[REDACTED]

Subject: Access application


CAUTION: This email originated from outside of the ACT Government. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Dear Madam/Sir


Please see **attached** access application.

Kind regards





By email: CMTEDDfoi@act.gov.au
The FOI Coordinator
Chief Minister, Treasury and Economic
Development Directorate
GPO Box 158
CANBERRA ACT 2601



Dear Madam/Sir

Access application - CMTEDDFOI 2021-079

We refer to the application made under the *Freedom of Information Act 2016* (ACT) which was assigned the above reference number (**Request**). We refer also to our phone call with Ms Sue Locke on 11 May 2021 in which Ms Locke asked that we refine the scope of the Request.

In our Request, we asked for copies of all of the following, issued by the Environment Protection Authority between August 2017 and 6 May 2021, which relate to soil or groundwater that is impacted, or potentially impacted, by PFAS (otherwise known as PFCs, and including PFOS, PFOA and PFHxS):

- a) orders to assess whether land is contaminated (under section 91C(1) *Environment Protection Act 1997* (ACT) (**EP Act**);
- b) orders to remediate (under section 91D(1) EP Act); and
- c) environment protection orders (under section 125(2) or s 125(3) EP Act).

We confirm that this scope can be refined such that, we only request copies of the above three types of orders under the EP Act (dated between August 2017 and 6 May 2021) which contain one or more of the following search terms:

- PFAS;
- PFOS;
- PFOA;
- PFHxS;
- PFC or PFCs; or
- Perfluorinated compounds.


20 May 2021

Access application - CMTEDDFOI 2021-079

For completeness, we note (as specified in our Request) that we are seeking the name of the recipient of the requested documents (whether an individual or company) but any other personal or company information is not required and can be redacted.

We would like to receive copies of the requested documents by email.

Kind regards





ACT
Government

Chief Minister, Treasury and
Economic Development

Our ref: CMTEDDFOI 2021-079

Your ref: [REDACTED]



FREEDOM OF INFORMATION REQUEST

I refer to your application under section 30 of the *Freedom of Information Act 2016* (the Act), received by the Chief Minister, Treasury and Economic Development Directorate (CMTEDD) on 7 May 2021.

Specifically, you are seeking: *"...copies of all of the following, issued by the Environment Protection Authority between August 2017 and 6 May 2021, which relate to soil or groundwater that is impacted, or potentially impacted, by PFAS (otherwise known as PFCs, and including PFOS, PFOA and PFHxS):*

- a) orders to assess whether land is contaminated (under section 91C(1) Environment Protection Act 1997 (ACT) (EP Act);*
- b) orders to remediate (under section 91D(1) EP Act); and*
- c) environment protection orders (under section 125(2) or s 125(3) EP Act).*

In relation to the documents we request, we are seeking the name of the recipient (whether an individual or company) of the orders listed above. Any other personal or company information is not required and can be redacted."

A scope refinement was sought on 7 May 2021 and again on 10 May 2021. Your application was suspended on 10 May 2021 under section 34(4) of the *Freedom of Information Act 2016*.

The following refined scope was received by email on 20 May 2021: *"We confirm that this scope can be refined such that, we only request copies of the above three types of orders under the EP Act (dated between August 2017 and 6 May 2021) which contain one or more of the following search terms: PFAS; PFOS; PFOA; PFHxS; PFC or PFCs; or Perfluorinated compounds.*

For completeness, we note (as specified in our Request) that we are seeking the name of the recipient of the requested documents (whether an individual or company) but any other personal or company information is not required and can be redacted."

Authority

I am an Information Officer appointed by the Director-General under section 18 of the Act to deal with access applications made under Part 5 of the Act.

Timeframes

In accordance with section 40 of the Act, CMTEEDD is required to provide a decision on your access application by 7 June 2021 however, following on from third party consultations and an eight (8) day delay due to your application being suspended, the due date is now 7 July 2021.

Decision on access

Searches were completed for relevant documents and six documents were identified that fall within the scope of your request.

I have included as **Attachment A** to this decision the schedule of relevant documents. This provides a description of each document that falls within the scope of your request and the access decision for each of those documents.

I have decided to grant partial access to all documents relevant to your request.

My access decisions are detailed further in the following statement of reasons and the documents released to you are provided as **Attachment B** to this letter.

In accordance with section 54(2) of the Act a statement of reasons outlining my decisions is below.

Statement of Reasons

In reaching my access decisions, I have taken the following into account:

- the Act;
- the content of the documents that fall within the scope of your request;
- the *Human Rights Act 2004*.

Exemption claimed

My reasons for deciding not to grant access to the identified documents and components of these documents are as follows:

Public Interest

The Act has a presumption in favour of disclosure. As a decision maker I am required to decide where, on balance, public interests lies. As part of this process I must consider factors favouring disclosure and non-disclosure.

In *Hogan v Hinch* (2011) 243 CLR 506, [31] French CJ stated that when 'used in a statute, the term [public interest] derives its content from "the subject matter and the scope and purpose" of the enactment in which it appears'. Section 17(1) of the Act sets out the test, to be applied to determine whether disclosure of information would be contrary to the public interest. These factors are found in subsection 17(2) and Schedule 2 of the Act.

Taking into consideration the information contained in the documents found to be within the scope of your request, I have identified that the following public interest factors are relevant to determine if release of the information contained within these documents is within the 'public interest'.

Factors favouring disclosure in the public interest:

(a) disclosure of the information could reasonably be expected to do any of the following:

(xi) reveal environmental or health risks or measures relating to public health and safety.

Having considered the factors identified as relevant in this matter, I consider that release of the information contained in the documents may contribute to revealing environmental risks for the identified area which could contribute to the administration of justice generally by allowing you to have a copy of the documents that fall within the scope of your request.

Factors favouring nondisclosure in the public interest:

(a) disclosure of the information could reasonably be expected to do any of the following:

(ii) prejudice the protection of an individual's right to privacy or any other right under the Human Rights Act 2004;

(xi) prejudice trade secrets, business affairs or research of an agency or person.

Having reviewed the documents, I consider that the protection of an individual's right to privacy, especially in the course of dealings with the ACT Government is a significant factor as the parties involved have provided their personal information for the purposes of working with the ACT Government. This, in my opinion, outweighs the benefit which may be derived from releasing the personal information of the individual's involved in this matter.

Individuals are entitled to expect that the personal information they have supplied as part of this process will be dealt with in a manner that protects their privacy. Considering the type of information to be withheld from release, I am satisfied that the factors in favour of release can still be met while protecting the personal information of the individuals involved. I therefore weight the factor for non-disclosure more highly than the factor in favour of release in this instance. As a result, I have decided that release of this information (email addresses, mobile numbers and direct contact details of individuals not employed by the ACT Public Service, along with signatures and mobile numbers of those employed by the ACT Public Service) could prejudice their right to privacy under the *Human Rights Act 2004*.

Information contained with the documentation that falls within the scope of your request could reasonably prejudice the business affairs of external entities. "Business affairs" was interpreted in *7 Cockcroft and Attorney-General's Department and Australian Iron Steel Pty Ltd (1986) 64 ALR 97, 106*, to mean: "the totality of the money-making affairs of an organisation or undertaking as distinct from its private or internal affairs." I therefore weight the factor for non-disclosure more highly than the factor in favour of release in

this instance. As a result, I have decided that release of this information (identities of other third parties) could prejudice business affairs.

Having applied the test outlined in section 17 of the Act and deciding that release of personal information contained in the documents is not in the public interest to release, I have chosen to redact this specific information in accordance with section 50(2). Noting the pro-disclosure intent of the Act, I am satisfied that redacting only the information that I believe is not in the public interest to release will ensure that the intent of the Act is met and will provide you with access to the majority of the information held by CMTEDD within the scope of your request.

Charges

Pursuant to *Freedom of Information (Fees) Determination 2018* processing charges are not applicable for this request because the total number of pages to be released is less than the charging threshold of 50 pages.

Online publishing – Disclosure Log

Under section 28 of the Act, CMTEDD maintains an online record of access applications called a disclosure log. Your original access application, my decision and documents released to you in response to your access application will be published in the CMTEDD disclosure log 3 working days after the date of my decision. Your personal contact details will not be published.

You may view CMTEDD disclosure log at <https://www.cmtedd.act.gov.au/functions/foi>.

Ombudsman Review

My decision on your access request is a reviewable decision as identified in Schedule 3 of the Act. You have the right to seek Ombudsman review of this outcome under section 73 of the Act within 20 working days from the day that my decision is published in CMTEDD disclosure log, or a longer period allowed by the Ombudsman.

We recommend using this form [Applying for an Ombudsman Review](#) to ensure you provide all of the required information. Alternatively, you may write to the Ombudsman at:

The ACT Ombudsman
GPO Box 442
CANBERRA ACT 2601

Via email: actfoi@ombudsman.gov.au

ACT Civil and Administrative Tribunal (ACAT) Review

Under section 84 of the Act, if a decision is made under section 82(1) on an Ombudsman review, you may apply to the ACAT for review of the Ombudsman decision. Further information may be obtained from the ACAT at:

ACT Civil and Administrative Tribunal
Level 4, 1 Moore St
GPO Box 370
Canberra City ACT 2601
Telephone: (02) 6207 1740
<http://www.acat.act.gov.au/>

Should you have any queries in relation to your request please contact me by telephone on 6207 7754 or email CMTEDDFOI@act.gov.au.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Daniel Riley', written in a cursive style.

Daniel Riley
Information Officer
Information Access Team
Chief Minister, Treasury and Economic Development Directorate
6 July 2021



ACT
Government

Chief Minister, Treasury and
Economic Development

FREEDOM OF INFORMATION REQUEST SCHEDULE

WHAT ARE THE PARAMETERS OF THE REQUEST	Reference NO.
Copies of documents for the following three types of orders under Environment Protection Act (EP Act): a) orders to assess whether land is contaminated (under section 91C(1) Environment Protection Act 1997 (ACT)(EP Act); b) orders to remediate (under section 91D(1) (EP Act); and c) environment protection orders (under section 125(2) or s125(3) (EP Act) - between August 2017 and 6 May 2021 which contain one or more of the following search terms: PFAS; PFOS; PFOA; PFHxS; PFC or PFCs; or Perfluorinated compounds.	CMTEDDFOI 2021-079

Ref No	Page number	Description	Date	Status	Reason for Exemption	Online Release Status
1	1-3	ACT Environment Protection Authority – Order to Assess	2 Dec 2019	Partial release	Sch 2 s2.2 (a)(ii)	Yes
2	4-10	Email – Approved: Extension of time to conduct site assessment	16 Mar 2020	Partial release	Sch 2 s2.2 (a)(ii) Sch 2 s2.2 (a)(xi)	Yes
3	11-13	Email – Letter to EPA – Request for Extension	20 Apr 2020	Partial release	Sch 2 s2.2 (a)(ii) Sch 2 s2.2 (a)(xi)	Yes
4	14-18	Email – PFAS Detailed Site Investigation	10 Jun 2020	Partial release	Sch 2 s2.2 (a)(ii) Sch 2 s2.2 (a)(xi)	Yes
5	19-23	Email – Detailed Site Investigation	22 Jun 2020	Partial release	Sch 2 s2.2 (a)(ii) Sch 2 s2.2 (a)(xi)	Yes
6	24-25	Email – PFAS Detailed Site Investigation	23 Jun 2020	Partial release	Sch 2 s2.2 (a)(ii)	Yes
Total No of Docs						
6						



ACT
Government

Chief Minister, Treasury and
Economic Development

AUSTRALIAN CAPITAL TERRITORY

ENVIRONMENT PROTECTION AUTHORITY

ORDER TO ASSESS WHETHER LAND CONTAMINATED

To the Responsible Person

Commissioner Emergency Services Agency (ESA)

Attn: Ms Georgeina Whelan

ABN: 77 972 506 632

ACN 972 506 632

Principal Place of Business

9 Amberley Avenue

Fairbairn ACT 2609

GPO Box 158 Canberra City ACT 2601

Provision of the *Environment Protection Act 1997* ("the Act")

Section 91C – Order to assess whether land contaminated.

Land to which order relates

Block 14 Section 97 Charnwood;

Block 5 Section 97 Charnwood; and

All adjacent land found to be impacted by contamination originating from activities formerly undertaken on Block 22 Section 97 Charnwood

Period within which the assessment is to be conducted

Compliance with this Order is required by **28 February 2020**

Nature of contamination:

Per- and poly-fluoroalkyl substances (PFAS) impacts from the storage and/or use of aqueous film-forming foam on Block 22 Section 97 Charnwood have been detected on Block 14 Section 97 Charnwood above the applicable land use criteria.

THE ACTIONS REQUIRED IN ASSESSING AND REPORTING:

1. Determine the nature, extent and source of PFAS contamination on land to which the order relates.
2. The assessment is to include both lateral and vertical delineation, in all environmental media in accordance with the Environment Protection Authority, December 2017, *Contaminated Sites Environment Protection Policy*, the National Environment Protection Council, 1999, *National Environment Protection (Assessment of Site Contamination) Measure* (ASC NEPM) and the Heads of EPAs Australia and New Zealand (HEPA), January 2018, *PFAS National Environmental Management Plan* (the PFAS NEMP).
3. If required, serve notice of the order on the occupiers of the land for access for the person to carry out the assessment and, if an occupier is not the lessee of that land, serve notice on the lessee;

The maximum penalty for failure to comply with this order is: 50 penalty units.

NARELLE SARGENT

Environment Protection Authority

Sch 2.2(a)(ii)

Signature

2/12/2019

Date

ACKNOWLEDGEMENT

I acknowledge that I am the person or authorised by the person named above and that I have received the original of this notice on the.....^{2nd} day of...~~DECEMBER~~ 201~~8~~. 19

MARK BROWN.....
Name of Recipient

Sch 2.2(a)(ii)

Signature

2/12/2019
Date

NOTE

These Orders are issued pursuant to Section 91C of the *Environment Protection Act 1997* (the Act). Failure to comply with this Order within the specified compliance period without reasonable excuse is an offence under Section 91C (8) and may be referred to the Director of Public Prosecution. If the matter goes to Court, and the Court finds against you, you may be convicted of an offence and ordered to pay a penalty and costs, and may be subject to other Court orders.

Address correspondence to:

Environment Protection Authority
PO Box 158
Canberra ACT 2601

Review of Decision Notice

Pursuant to Section 136 of the Act the decision to serve an Order under Section 91C (1) of the Act is both an internal reviewable decision and a reviewable decision. Please refer to the enclosed notes.

From: "Sargent, Narelle" <Narelle.Sargent@act.gov.au>
Sent: 16/03/2020 3:20 AM
To: "Brown, Mark" <Mark.Brown@act.gov.au>; "Contaminated Sites" <ContaminatedSites@act.gov.au>
Cc: "Heckenberg, Mark" <Mark.Heckenberg@act.gov.au>; "Kugathas, Kuga" <Kuga.Kugathas@act.gov.au>; "Lewer, Kendall" <Kendall.Lewer@act.gov.au>; "Power, David" <DAVID.POWER@act.gov.au>; "Sch 2.2(a)(ii)" <Sch 2.2(a)(ii)@ramboll.com>; "Sch 2.2(a)(ii)" <Sch 2.2(a)(ii)@ramboll.com>; "Whelan, Georgeina" <Georgeina.Whelan@act.gov.au>; "Flashman, Joanne" <Joanne.Flashman@act.gov.au>
Subject: APPROVED: Extension of time to conduct site assessment at Charnwood

Dear Mark,

The Environment Protection Authority (the Authority) has reviewed your request, as per section 91G of the Environment Protection Act 1997, and grants an extension to 22 June 2020. The support for the extension is primarily based on the Auditor's advice below and subject to the Auditor's requirements for the additional assessments detailed in that advice:

"Preventing access to the identified PFAS impacted soil on the western portion of the Sch 2.2(a)(xi) TSI Recommendation 3) is considered an adequate interim management strategy to protect human health based on the data reviewed.

I have reviewed the ACTmapi imagery for the site and Attachment 3 shows my interpretation of the location of fences and extent of the playing field area that appears to be currently accessible. If this interpretation does not reflect the actual conditions the advice in the letter may be subject to change. Restricting the playing field to the accessible area identified is in my opinion a reasonable interim mitigation measure based on the data reviewed, subject to competent implementation and enforcement".

The Authority notes that the Sch 2.2(a)(xi) is to be included in the assessment. This was not required under the Order as the site has already been assessed and found suitable for its permitted uses, so may not be required to be included in the audit.

Yours sincerely
Narelle Sargent

Narelle Sargent | the *Environment Protection Authority*

Office of the Environment Protection Authority (EPA)

Access Canberra | Chief Minister Treasury and Economic Development Directorate | ACT

Phone: 02 6207 5782 | Mobile Sch 2.2(a)(ii) | Email: narelle.sargent@act.gov.au

470 Northbourne Avenue, Dickson | GPO Box 158 Canberra ACT 2601 | www.act.gov.au/accessCBR



From: Brown, Mark
Sent: Friday, 13 March 2020 2:26 PM
To: Sargent, Narelle <Narelle.Sargent@act.gov.au>; Contaminated Sites <ContaminatedSites@act.gov.au>
Cc: Heckenberg, Mark <Mark.Heckenberg@act.gov.au>; Kugathas, Kuga <Kuga.Kugathas@act.gov.au>; Lewer, Kendall <Kendall.Lewer@act.gov.au>; Power, David <DAVID.POWER@act.gov.au>; "Sch 2.2(a)(ii)" <Sch 2.2(a)(ii)@ramboll.com>; Whelan, Georgeina <Georgeina.Whelan@act.gov.au>; Flashman, Joanne <Joanne.Flashman@act.gov.au>
Subject: RE: Extension of time to conduct site assessment at Charnwood

UNCLASSIFIED

Dear Narelle

I am writing on behalf of Commissioner Whelan in relation to the previous request for an extension of time in relation to the 'Order to Assess Whether Land Contaminated' for Block 14 Section 97 Charnwood, Block 5 Section 97 Charnwood, and any adjacent land found to be impacted by contamination originating from Block 22 Section 97 Charnwood, which was issued by you on 2 December 2019.

Due to the unavailability of the Ramboll site auditor while on annual leave, we wish to amend the extension date to 22 June 2020 to ensure that we can fully comply.

I have attached the site auditor's interim advice prepared by Ramboll, which provides their opinion on whether the temporary mitigation measures that are currently in place on Block 14 Section 97 Charnwood are adequate for mitigating potential risks to the children and other uses of this site from the identified contamination.

I have also provided the first fortnightly update below on the progress of the assessment and audit works required by the Order of Assessment.

Activities completed week ending 6 March 2020 by GHD:

- Desktop review for all sites mostly completed pending for site walkover and any additional responses on historical foam use pattern.
- Site walkover inspections for all sites.
- Activities completed for Charnwood site (site 9)
 - Reviewed previous investigation report on the Sch 2.2(a)(xi) to Site 9, and historical investigation reports on Site 9
 - Continued desktop information review, pending for service drawings, confirmation of foam use history on soft landscape area adjacent to the site, and site visit findings
 - Developed draft site investigation plan and program
 - Meeting with the ESA to discuss foam use history and assessment procedures
 - Meeting with the site auditor to discuss potential investigation strategy.

Planned activities for Site 9:

GHD Activity	Planned completion date	Input needed from ACT	Input required by
1. Continue desktop review for Site 9 – Charnwood	11 March 2020	ESA to confirm historical foam making activity took Sch 2.2(a)(xi)	6 March 2020
2. Finalisation of investigation strategy and submission of draft SAQP	11 March 2020		3 March 2020
3. Preparation for site sampling and testing. <u>Site works scheduled to commence from week starting 23 March 2020</u>	20 March 2020	Please notify the parties on intention to access the following sites and confirm if any access restriction and time restriction may apply: Sch 2.2(a)(xi)	ASAP

Sch 2.2(a)(xi)

- Charnwood District Playing Fields (for the oval adjacent to Florey Drive)

Sch 2.2(a)(xi)

- Road Reserve along Florey Drive, Lhotsky Street and Ginninderra Drive around the Charnwood Site

The sampling visit will likely involve the use of drilling rig. Potentially may also visit the Sch 2.2(a)(xi) site and road reserve for a second time in the week starting 30 March for groundwater sampling. This second visit will be limited to handheld equipment only.

Please do not hesitate to contact if you require any further information to assess this request.

Regards

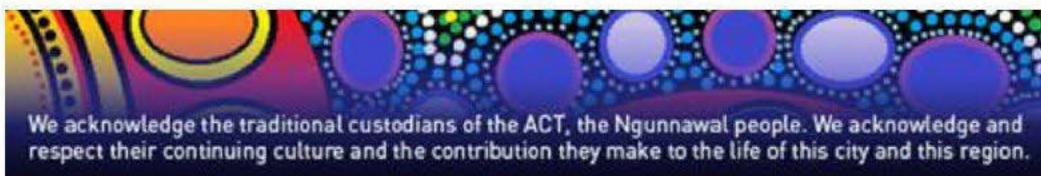
Mark Brown AFSM

Chief Officer ACT Fire & Rescue

Phone: 02 6207 8122 Mobile: Sch 2.2(a)(ii)

Address: 9 Amberley Avenue, Fairbairn Business Park Majura ACT 2609; GPO Box 158 Canberra City ACT 2601

mark.brown@act.gov.au www.esa.act.gov.au



From: Sargent, Narelle <Narelle.Sargent@act.gov.au>

Sent: Wednesday, 11 March 2020 7:21 AM

To: [Sch 2.2\(a\)\(ii\)@ramboll.com](mailto:Sch 2.2(a)(ii)@ramboll.com)

Cc: Brown, Mark <Mark.Brown@act.gov.au>; Heckenberg, Mark <Mark.Heckenberg@act.gov.au>; Kugathas, Kuga <Kuga.Kugathas@act.gov.au>; Lewer, Kendall <Kendall.Lewer@act.gov.au>; Power, David <DAVID.POWER@act.gov.au>

Subject: Extension of time to conduct site assessment at Charnwood

Dear Rowena

Your request for an extension has been referred to the ESA, as your request must come from the person on whom the Orders were issued.

Warm regards

Narelle

Narelle Sargent | the *Environment Protection Authority*

Office of the Environment Protection Authority (EPA)

Access Canberra | Chief Minister Treasury and Economic Development Directorate | ACT

Phone: 02 6207 5782 | Mobile [Sch 2.2\(a\)\(ii\)](mailto:Sch 2.2(a)(ii)@ramboll.com) | Email: narelle.sargent@act.gov.au

470 Northbourne Avenue, Dickson | GPO Box 158 Canberra ACT 2601 | www.act.gov.au/accessCBR



From: Rowena Salmon [[Sch 2.2\(a\)\(ii\)@ramboll.com](mailto:Sch 2.2(a)(ii)@ramboll.com)]

Sent: Friday, 6 March 2020 3:40 PM

To: Sargent, Narelle <Narelle.Sargent@act.gov.au>; Contaminated Sites <ContaminatedSites@act.gov.au>

Cc: Heckenberg, Mark <Mark.Heckenberg@act.gov.au>; Kugathas, Kuga <Kuga.Kugathas@act.gov.au>; Lewer, Kendall <Kendall.Lewer@act.gov.au>; Vejeya, Bharath <Bharath.Vejeya@act.gov.au>; Brown, Mark <Mark.Brown@act.gov.au>; Xanthe Holford [[Sch 2.2\(a\)\(ii\)@ramboll.com](mailto:Sch 2.2(a)(ii)@ramboll.com)]

Subject: FW: Extension of time to conduct site assessment at Charnwood - Supported [SEC=UNCLASSIFIED]

Dear Narelle,

I have been engaged as the site Auditor for this project. We have had a project team meeting to discuss the stages of work and associated timeframes required to meet the revised deadline issued by EPA. In consideration of this, I note that I have annual leave scheduled for the period 14 to 17 April 2020 which is the week after Easter and the week before the revised deadline of 20 April 2020. Would it be possible to extend the deadline by two weeks so that my leave does not overlap with a critical period within the project schedule for finalisation of the investigation and audit documentation?

Kind regards,

Rowena Salmon BEng (Env) (Hons)
Principal | NSW EPA Accredited Site Auditor

Sch 2.2(a)(ii)

Ramboll
Level 3, 100 Pacific Highway
PO Box 560, North Sydney
NSW 2060 Australia
www.ramboll.com



Ramboll Australia Pty Ltd
ACN 095 437 442
ABN 49 095 437 442

From: Sargent, Narelle <Narelle.Sargent@act.gov.au>
Sent: Friday, 28 February 2020 11:32 AM
To: Whelan, Georgeina <Georgeina.Whelan@act.gov.au>
Cc: Brown, Mark <Mark.Brown@act.gov.au>; Power, David <DAVID.POWER@act.gov.au>; Zhang, Jianmin <Jianmin.Zhang@act.gov.au>; Heckenberg, Mark <Mark.Heckenberg@act.gov.au>
Subject: Extension of time to conduct site assessment at Charnwood - Supported [SEC=UNCLASSIFIED]

Dear Ms Whelan,

The Environment Protection Authority (the Authority) has reviewed the request below from Mr Mark Brown and supports an extension for the provision of audit documents required under the Order of Assessment issued on the Emergency Services Agency (ESA) on 2 December 2019 **until 20 April 2020** subject to the following conditions:

- **Auditor Interim Advice, prepared by your Auditor, must be forwarded to the Authority by the ESA by 13 March 2020 providing the Auditor's opinion on whether the temporary mitigation measures that are currently in place on Block 14 Section 97 Charnwood are adequate for mitigating potential risks to the children and other uses of this site from the identified contamination at the site. Where risks are determined to be unacceptable recommendations must be included in the Advice on what measures are appropriate to manage this risk and a timeframe for implementation of these measures. In forming this opinion the Auditor must review all available data, including the data relied upon by the Authority when issuing the above Order of Assessment;**
- Fortnightly updates must be provided to the Authority by the ESA on the progress of the assessment and audit works required by the Order of Assessment. These updates must be forwarded contaminatedSites@act.gov.au.

Yours sincerely
Narelle Sargent
Environment Protection Authority

Narelle Sargent | the *Environment Protection Authority*
Office of the Environment Protection Authority (EPA)
Access Canberra | Chief Minister Treasury and Economic Development Directorate | ACT
Phone: 02 6207 5782 | Mobile [Sch 2.2\(a\)\(ii\)](tel:0262075782) | Email: narelle.sargent@act.gov.au
470 Northbourne Avenue, Dickson | GPO Box 158 Canberra ACT 2601 | www.act.gov.au/accessCBR



From: Brown, Mark
Sent: Thursday, 20 February 2020 3:49 PM
To: Sargent, Narelle <Narelle.Sargent@act.gov.au>
Cc: Power, David <DAVID.POWER@act.gov.au>; Whelan, Georgeina <Georgeina.Whelan@act.gov.au>; Lewer, Kendall <Kendall.Lewer@act.gov.au>; Flashman, Joanne <Joanne.Flashman@act.gov.au>; ESA Ministerial Services <ESAMinisterialServices@act.gov.au>
Subject: Extension of time to conduct site assessment at Charnwood

UNCLASSIFIED

Dear Narelle

I am writing to you on behalf on Commissioner Whelan regarding the 'Order to Assess Whether Land Contaminated' in relation to Block 14 Section 97 Charnwood, Block 5 Section 97 Charnwood, and any adjacent land found to be impacted by contamination originating from Block 22 Section 97 Charnwood, which was issued by you on 2 December 2019.

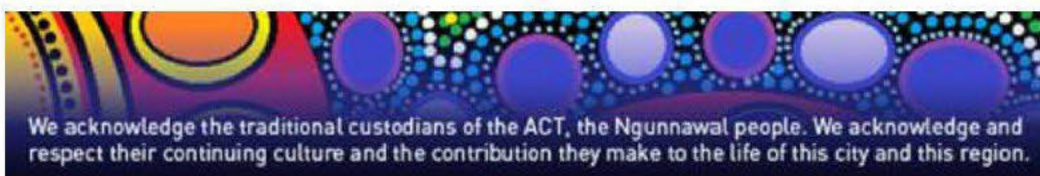
The Emergency Services Agency requests an extension of time to conduct the assessment in accordance with Section 91G of the *Environment Protection Act 1997*. As you may be aware there were delays to the finalisation of the Services Agreement with GHD Pty Ltd in relation to the PFAS testing of nine current and former ACT Fire & Rescue sites, including Charnwood. This involved seeking advice from the Government Solicitors Office and these ongoing negotiations has meant that we will be unable to meet the required time frame of 28 February 2020.

Based on advice provided by GHD, we seek your approval to undertake the required actions in assessing and reporting detailed in the Order by 20 April 2020.

Please do not hesitate to contact me if you need any further information to assess this request.

Regards

Mark Brown AFSM
Chief Officer ACT Fire & Rescue
Phone: 02 6207 8122 Mobile: [Sch 2.2\(a\)\(ii\)](#)
Address: 9 Amberley Avenue, Fairbairn Business Park Majura ACT 2609; GPO Box 158 Canberra City ACT 2601
mark.brown@act.gov.au www.esa.act.gov.au



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immediately. You should not copy or use it for any purpose, nor disclose its contents to any other person.

From: "Sargent, Narelle" <Narelle.Sargent@act.gov.au>
Sent: 20/04/2021 9:16 PM
To: "Whelan, Georgeina" <Georgeina.Whelan@act.gov.au>
Cc: "ESA Ministerial Services" <ESAMinisterialServices@act.gov.au>; "Brewer, Glenn" <Glenn.Brewer@act.gov.au>; "Heckenberg, Mark" <Mark.Heckenberg@act.gov.au>
Subject: Order of Assessment - Request for Extension - SUPPORTED
Attachments: Letter to EPA - Order - Request for Extension - April 2021 - signed.pdf

Dear Ms Whelan

Thank you for your letter dated 20 April 2021 requesting an extension, as required under section 91G of the [Environment Protection Act 1997](#), for provision of audit documents in relation to the Order of assessment (Order) issued on the Emergency Services Agency (ESA) by the Environment Protection Authority.

The Environment Protection Authority (the Authority) has reviewed your request and supports an extension for provision of the draft audit documents required under the Order until 23 July 2021.

This extension is conditional on:

- The ESA providing written confirmation of the [Sch 2.2\(a\)\(xi\)](#) acceptance to implement the Auditor endorsed Interim Management Plan for their site by 30 April 2021; and
- Fortnightly updates on the progress of works to be forwarded to ContaminatedSites@act.gov.au.

Should you have any questions regarding the above conditions please feel free to contact me.

Warm regards

Narelle Sargent
Environment Protection Authority

Narelle Sargent
Environment Protection Authority (including Water Resources)
Clinical Waste Controller
Delegate for Lakes
Access Canberra | Chief Minister, Treasury and Economic Development Directorate | ACT Government

Phone: 02 6207 5782 | Mobile [Sch 2.2\(a\)\(ii\)](#) | Email: narelle.sargent@act.gov.au
480 Northbourne Avenue, Dickson | GPO Box 158 Canberra City ACT 2601 | www.act.gov.au/accessCBR



Ms Narelle Sargent
Environment Protection Authority
Email: narelle.sargent@act.gov.au

Dear Ms Sargent

**Request for Extension – Environment Protection Authority (EPA) Order –
Block 14 Section 97, Block 5 Section 97, Charnwood**

I refer to my extension request for the EPA Order in relation to the Human Health Risk Assessment (HHRA) at Block 14 Section 97 and Block 5 Section 97, Charnwood.

Further to my correspondence of 31 March 2021, and your email response of 6 April 2021, the Justice and Community Safety Directorate has now received the Auditor's response on the timelines. An excerpt from the Auditor's response is attached for your information. Based on the Auditor's advice, I would now like to seek the following:

1. an extension to Friday, 28 May 2021, to deliver the auditor-endorsed HHRA.
2. an extension to Friday, 28 May 2021, to deliver the Remediation Action Plan (RAP) for Sch 2.2(a)(xi)
3. an extension to Friday, 23 July 2021, as advised by the Auditor, to address the Order requirements and provide commentary on the assessment of risks to human health or the environment at other adjacent sites.

The Auditor currently has the HHRA and RAP for final endorsement and has advised that *'The identified review times (to 28 May) are fine. I note that we have already submitted our review comments on the RAP (on 12 April 2021).'*

However, on review of the EPA Order correspondence, the Auditor has suggested a Section B site audit statement (SAS) following the finalisation of the HHRA and Sch 2.2(a)(xi) RAP to document long-term management documentation for the adjacent sites (the Sch 2.2(a)(ii) and road reserve). This additional requirement will extend the timeframe by 6 to 8 weeks, hence the request for an extension to 23 July 2021, as indicated in point 3 above.

Once again, thank you for your consideration of this request.

Yours sincerely

Sch 2.2(a)(ii)

Georgeina Whelan AM, CSC and Bar
Commissioner
ACT Emergency Services Agency

20 April 2021

Excerpt from the Auditor's response

The investigations of the nature, extent and source of PFAS contamination are complete and the HHRA has identified the requirement for remediation at the [Sch 2.2(a)(xi)] site (documented in the RAP). I suggest that it would be appropriate to address the Order requirements and provide commentary on the assessment of risks to human health or the environment at other adjacent sites with a Section B site audit statement (SAS) following finalisation of the HHRA and the [Sch 2.2(a)(xi)] RAP. The Section B SAS would need to consider ongoing management requirements for the [Sch 2.2(a)(xi)] and the road reserve (currently documented in the Interim Environmental Management Plan), therefore revised (long-term) management documentation for these areas would need to be prepared (if warranted) before the Section B SAS can be provided. To allow time to finalise the associated management documentation and close any other loose ends I would suggest that a further 6-8 weeks would be required to achieve a Section B SAR following the RAP and HHRA endorsement outlined in the timeframe below.

You are correct that it is appropriate for a Site Management Plan (SMP) for the [Sch 2.2(a)(xi)] to be prepared by an appointed environmental consultant, and reviewed and endorsed by the site auditor, after remediation works at the [Sch 2.2(a)(xi)] playing field are completed to document long term management requirements. Auditor review of the [Sch 2.2(a)(xi)] remediation and validation works and the SMP could be documented in a further SAS (possibly Section A) specific to the [Sch 2.2(a)(xi)] PFAS remediation area.

From: "Rowena Salmon" <Sch 2.2(a)(ii)@ramboll.com>
Sent: 10/06/2020 10:34 PM
To: "Kugathas, Kuga" <Kuga.Kugathas@act.gov.au>
Cc: "Lewer, Kendall" <Kendall.Lewer@act.gov.au>; "Vejeya, Bharath" <Bharath.Vejeya@act.gov.au>; "Andersen, Kai" <Kai.Andersen@act.gov.au>; "Xanthe Holford" <Sch 2.2(a)(ii)@ramboll.com>
Subject: FW: PFAS Detailed Site Investigation - Former Charnwood ACTFR site

Hi Kuga,

We have reviewed the report 'Former Charnwood Fire and Rescue Station, PFAS Detailed Site Investigation', dated May 2020 prepared by GHD (**the DSI**). We provide comments on the DSI and the next steps in relation to the Order below. Please forward on to GHD as appropriate.

Comments on DSI

Overall we agree with the conclusions and recommendation made in the DSI and we note interim management, further investigations, and assessment of risk are required in relation to PFAS impact identified to the south and east of the former fire station as follows:

- The creation and implementation of a communication strategy which will be used to inform Sch 2.2(a)(xi) and Sch 2.2(a)(xi) and other relevant stakeholders of the potential PFAS exposure risks on their properties.
- The implementation of an interim PFAS management plan to minimise PFAS exposures to workers in the public road reserve adjacent to the Sch 2.2(a)(xi) Sch 2.2(a)(xi) whilst further investigations are being completed and the risk profile has been fully understood.
- Undertake a risk assessment to develop site specific screening criteria to assess the risks to human health and the environment.
- The completion of additional intrusive investigations to:
 - Establish the source of the hotspot at BH126 (further desktop study), as well as delineate the PFAS impact at BH126.
 - Determine the lateral extent of PFAS migration in surface water and soil to the east of SW3 and to the south of BH110/SW2.
 - Determine the vertical extent of PFAS migration in Sch 2.2(a)(xi) and the drainage channel to the south.
 - Undertake a second round of groundwater gauging to confirm the groundwater flow direction.
- Following the risk assessment and collection of the additional data outlined above, a suitable ongoing management plan and remediation action plan (RAP) (if required) may be developed.

I consider this to be a reasonable approach, however, I note the following two items:

1. Section 7.6 Data Gaps states "*Further investigation would be required to determine if there are elevated levels of PFAS in the creek, if the creek supports recreational fishing, and if bioaccumulation is occurring.*" **Could GHD please provide further discussion on whether any further investigations or assessment is required to address this data gap and any associated potential risk?**
2. The additional interim management measures for the Sch 2.2(a)(xi) in relation to 'hotspot B126' are not defined and it is unclear what is proposed in the short-term for this area. **Development of the interim PFAS management plan should be undertaken as a priority.**

Requirements under the Order/ Next Steps

The actions required under the Order to Assess whether Land Contaminated issued 2 December 2019 are as follows:

THE ACTIONS REQUIRED IN ASSESSING AND REPORTING:

1. Determine the nature, extent and source of PFAS contamination on land to which the order relates.
2. The assessment is to include both lateral and vertical delineation, in all environmental media in accordance with the Environment Protection Authority, December 2017, *Contaminated Sites Environment Protection Policy*, the National Environment Protection Council, 1999, *National Environment Protection (Assessment of Site Contamination) Measure (ASC NEPM)* and the Heads of EPAs Australia and New Zealand (HEPA), January 2018, *PFAS National Environmental Management Plan (the PFAS NEMP)*.
3. If required, serve notice of the order on the occupiers of the land for access for the person to carry out the assessment and, if an occupier is not the lessee of that land, serve notice on the lessee;

An extension was granted by ACT EPA (email 16 March 2020) initially until 22 June 2020. My Interim Audit Advice (IAA) No. 1 (dated 13 March 2020) endorsing the interim management strategy of restricted access to the impacted area in the Sch 2.2(a)(xi) was completed at the request of the ACT EPA.

The DSI was completed to further delineate the PFAS impact as per Actions 1 and 2 above. The DSI has identified further investigations are required to address the Actions. An interim PFAS management plan is also required. As noted above, it is not clear what further interim management measures are recommended for the Sch 2.2(a)(xi)

I recommend preparation of a Sampling Analysis and Quality Plan (SAQP) for audit review prior to the further investigations. **I recommend that the SAQP be provided to me for review and provision of email comments.**

The communication strategy and interim PFAS management plan should also be prepared in the short term. **If required by the ACT EPA I could prepare a second IAA reviewing the interim management strategy.**

Once the further investigations have been completed and I am satisfied that they have addressed the requirements of the Order, a further IAA or else Section B Site Audit Report (SAR) could be prepared. This would provide my opinion on the adequacy of the lateral and vertical delineation with respect to Actions 1 and 2. It would also be appropriate to review the risk assessments at this stage as these will likely inform the adequacy of the investigations.

Alternately, I could provide email correspondence confirming that sufficient investigations have been completed to address the objectives of the Order.

It is not clear whether regulation of the site will continue after completion of the Order. However, the process for remediation or management would likely now include:

- Review of the ongoing management plan after completion of the further investigations and risk assessments
- Preparation of SAR if no further need for remediation is identified
- Review of RAP if a need for remediation is identified
- Preparation of IAA reviewing the RAP
- Review of Validation Report after completion of remedial works
- Preparation of SAR reviewing the validation report and any management plans.

It is recommended that clarification be sought from ACT EPA confirming the approach and timing of audit deliverables.

For your information I intend to conduct a walkover inspection of the site vicinity (publicly accessible areas) on the afternoon of Friday 19 June 2020.

If you would like to discuss any aspect of this email please do not hesitate to contact me.

Kind regards,

Rowena Salmon BEng (Env) (Hons)
Principal | NSW EPA Accredited Site Auditor

Sch 2.2(a)(ii)

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PO Box 560, North Sydney
NSW 2060 Australia
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ACN 095 437 442
ABN 49 095 437 442

From: Carmen Yi [Sch 2.2\(a\)\(ii\)@ghd.com](mailto:Sch 2.2(a)(ii)@ghd.com)
Sent: Thursday, 21 May 2020 5:18 PM
To: Rowena Salmon [Sch 2.2\(a\)\(ii\)@ramboll.com](mailto:Sch 2.2(a)(ii)@ramboll.com)
Cc: Kuga Kugathas (InTouch) <kuga.kugathas@act.gov.au>; Lewer, Kendall <Kendall.Lewer@act.gov.au>; Vejeya, Bharath <bharath.vejeya@act.gov.au>; Andersen, Kai <Kai.Andersen@act.gov.au>; Xanthe Holford [Sch 2.2\(a\)\(ii\)@ramboll.com](mailto:Sch 2.2(a)(ii)@ramboll.com)>; Helen Milne [Sch 2.2\(a\)\(ii\)@ghd.com](mailto:Sch 2.2(a)(ii)@ghd.com)>; Morgan Singleton-Fookes [Sch 2.2\(a\)\(ii\)@ghd.com](mailto:Sch 2.2(a)(ii)@ghd.com)>
Subject: PFAS Detailed Site Investigation - Former Charnwood ACTFR site

Hi Rowena,

Please find the link below to download the DSI report for the Charnwood site in ACT.

[Sch 2.2\(a\)\(xi\)](#)

Please note the link will expire in six days and if there is any issue with the link please let me know.

Kind Regards,

Carmen Yi

Senior Environmental Engineer – Contamination and Environment Management

GHD

Proudly employee owned

[Sch 2.2\(a\)\(ii\)@ghd.com](mailto:Sch 2.2(a)(ii)@ghd.com)

Level 15, 133 Castlereagh Street, Sydney NSW 2000 Australia | www.ghd.com

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A summary of recommendation, grouped based on properties, is provided in the table below.

Property	Recommendations	Interim measures recommended to minimise human exposure based on usage?
Sch 2.2(a)(xi)	<ul style="list-style-type: none"> Community engagement and communication Long term management measures 	Long term management measure in place.
	<ul style="list-style-type: none"> Community engagement and communication Additional interim management measures (including hotspot BH126) Further intrusive investigation Site-specific risk assessment Long term management or remediation measures* 	Yes
	<ul style="list-style-type: none"> Community engagement and communication Additional interim management measures Further intrusive investigation Site-specific risk assessment Long term management or remediation measures* 	Yes
	<ul style="list-style-type: none"> Community engagement and communication 	No
Cricket pitch at Charnwood District Playing Field	<ul style="list-style-type: none"> Community engagement and communication 	No
Drainage channel south of Sch 2.2(a)(xi) and the downgradient Ginninderra Creek	<ul style="list-style-type: none"> Community engagement and communication Further intrusive investigation Assessment of recreational fishing, ecological species and aquatic food web Site-specific risk assessment Long term management measures* 	No
Public road reserve at Lhotsky Street and Florey Drive	<ul style="list-style-type: none"> Community engagement and communication Additional interim management measures for road reserve adjacent to the Sch 2.2(a)(xi) Sch 2.2(a)(xi) Long term management measures* 	Yes

*Subject to the findings of additional studies

This report is subject to, and must be read in conjunction with, the limitations set out in Section 9 and the assumptions and qualifications contained throughout the Report.

Table 19 Proposed estimate of timelines for future works

Recommended tasks		Stakeholders	Stages	Estimated timeline
1	<u>Community engagement and communication</u>	<u>All stakeholders</u>		<u>Throughout all stages</u> <u>7 to 10 months</u>
2	<u>Interim management measures</u>	Sch 2.2(a)(xi)	<ul style="list-style-type: none"> • <u>Engagement</u> • <u>Preparation</u> • <u>Auditor / EPA reviews</u> 	<u>2 months</u>
3	<u>Further intrusive investigation</u>		<ul style="list-style-type: none"> • <u>Engagement</u> • <u>SAQP</u> • <u>Field works</u> • <u>Auditor / EPA reviews</u> 	<u>3 to 4 months</u>
4	<u>Site specific risk assessment</u>		<ul style="list-style-type: none"> • <u>Engagement</u> • <u>Risk assessment plan</u> • <u>Risk assessment</u> • <u>Auditor / EPA reviews</u> 	<u>2 to 3 months</u>
5	<u>Development of long term management plan or remediation measures*</u>		<ul style="list-style-type: none"> • <u>Engagement</u> • <u>Preparation</u> • <u>Auditor / EPA reviews</u> 	<u>2 to 3 months</u>

Note: Task 2 and 3 may run concurrently

Task 4 post completion of Task 3

Task 5 post completion of Task 4

*Subject to findings, exclusion of implementation of measures

From: "Rowena Salmon" <Sch 2.2(a)(ii)@ramboll.com>
Sent: 22/06/2020 1:45 AM
To: "Helen Milne" <Sch 2.2(a)(ii)@ghd.com>
Cc: "Carmen Yi" <Sch 2.2(a)(ii)@ghd.com>; "Kugathas, Kuga" <Kuga.Kugathas@act.gov.au>; "Lewer, Kendall" <Kendall.Lewer@act.gov.au>; "Vejeya, Bharath" <Bharath.Vejeya@act.gov.au>; "Xanthe Holford" <Sch 2.2(a)(ii)@ramboll.com>
Subject: RE: PFAS Detailed Site Investigation - Former Charnwood ACTFR site

Hi Helen,

Thank you for sending the revised DSI and tracked changes version. Our previous comments have been adequately addressed and the new Table 19 'Proposed estimate of timelines for future works' appears to be appropriate.

Further to my site visit on Friday 19 June 2020 I note the downgradient surface water sampling locations SW1 and SW2 are quite a bit lower in elevation than the source site and nearby well MW02. It does not appear surface elevations were recorded for these locations or the nearby boreholes. Measurement of the elevation of these and any additional surface water sampling locations would be useful to better understand the CSM and potential groundwater interaction with the surface water (although the depth to groundwater would suggest this is unlikely). Measurement of elevations should be included in the SAQP for the further investigations.

Please do not hesitate to contact Xanthe or myself to discuss if required.

Kind regards,
Rowena Salmon BEng (Env) (Hons)
Principal | NSW EPA Accredited Site Auditor

Sch 2.2(a)(ii)

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PO Box 560, North Sydney
NSW 2060 Australia
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Ramboll Australia Pty Ltd
ACN 095 437 442
ABN 49 095 437 442

From: Helen Milne <Sch 2.2(a)(ii)@ghd.com>
Sent: Friday, 19 June 2020 2:36 PM
To: Rowena Salmon <Sch 2.2(a)(ii)@ramboll.com>
Cc: Carmen Yi <Sch 2.2(a)(ii)@ghd.com>; Kuga Kugathas (InTouch) <kuga.kugathas@act.gov.au>; Lewer, Kendall <Kendall.Lewer@act.gov.au>; Vejeya, Bharath <bharath.vejeya@act.gov.au>; Xanthe Holford <Sch 2.2(a)(ii)@ramboll.com>
Subject: RE: PFAS Detailed Site Investigation - Former Charnwood ACTFR site

Hi Rowena

Further to our meeting on Tuesday. Please find below a link to our revised report and a version in tracked changes.

Sch 2.2(a)(xi)

Please do not hesitate to contact me if you require anything further.

Kind Regards

Helen

Helen Milne | A GHD Associate

MSc (Env), BSc(Hons) (Geol), CEnvP (SC), AIEMA

Technical Director - Contamination Assessment and Remediation

Please note my working days are Tuesday to Friday

From: Helen Milne

Sent: Friday, 19 June 2020 1:42 PM

To: Kugathas, Kuga <Kuga.Kugathas@act.gov.au>; Lewer, Kendall <Kendall.Lewer@act.gov.au>; Vejeya, Bharath <Bharath.Vejeya@act.gov.au>

Cc: Carmen Yi <[Sch 2.2\(a\)\(ii\)@ghd.com](mailto:Sch 2.2(a)(ii)@ghd.com)>

Subject: RE: PFAS Detailed Site Investigation - Former Charnwood ACTFR site

Hi Kuga, Kendall and Bharath

Please find below link to the final DSI report and a tracked changed version for the auditor to verify the changes.

Sch 2.2(a)(xi)

Please do not hesitate to let me know if you would like us to forward to Rowena.

Kind Regards

Helen

Helen Milne | A GHD Associate

MSc (Env), BSc(Hons) (Geol), CEnvP (SC), AIEMA

Technical Director - Contamination Assessment and Remediation

Please note my working days are Tuesday to Friday

From: Kugathas, Kuga <Kuga.Kugathas@act.gov.au>

Sent: Thursday, 11 June 2020 2:04 PM

To: Carmen Yi <[Sch 2.2\(a\)\(ii\)@ghd.com](mailto:Sch 2.2(a)(ii)@ghd.com)>; Helen Milne <[Sch 2.2\(a\)\(ii\)@ghd.com](mailto:Sch 2.2(a)(ii)@ghd.com)>

Subject: FW: PFAS Detailed Site Investigation - Former Charnwood ACTFR site

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Carmen/ Helen

Please note the comments by the auditor. For your necessary actions please.

Let us discuss this in our weekly meeting.

Regards

Kuga

Kuga Kugathas | Senior Director

ICT Capital Works & Infrastructure | Justice and Community Safety Directorate | ACT Government



#diversitygoeswithme

From: Rowena Salmon <Sch 2.2(a)(ii)@ramboll.com>

Sent: Thursday, 11 June 2020 8:34 AM

To: Kugathas, Kuga <Kuga.Kugathas@act.gov.au>

Cc: Lewer, Kendall <Kendall.Lewer@act.gov.au>; Vejeya, Bharath <Bharath.Vejeya@act.gov.au>; Andersen, Kai <Kai.Andersen@act.gov.au>; Xanthe Holford <Sch 2.2(a)(ii)@ramboll.com>

Subject: FW: PFAS Detailed Site Investigation - Former Charnwood ACTFR site

Hi Kuga,

We have reviewed the report 'Former Charnwood Fire and Rescue Station, PFAS Detailed Site Investigation', dated May 2020 prepared by GHD (**the DSI**). We provide comments on the DSI and the next steps in relation to the Order below. Please forward on to GHD as appropriate.

Comments on DSI

Overall we agree with the conclusions and recommendation made in the DSI and we note interim management, further investigations, and assessment of risk are required in relation to PFAS impact identified to the south and east of the former fire station as follows:

- The creation and implementation of a communication strategy which will be used to inform Sch 2.2(a)(xi) and other relevant stakeholders of the potential PFAS exposure risks on their properties.
- The implementation of an interim PFAS management plan to minimise PFAS exposures to workers in the public road reserve adjacent to the Sch 2.2(a)(xi) whilst further investigations are being completed and the risk profile has been fully understood.
- Undertake a risk assessment to develop site specific screening criteria to assess the risks to human health and the environment.
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 - Establish the source of the hotspot at BH126 (further desktop study), as well as delineate the PFAS impact at BH126.
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 - Undertake a second round of groundwater gauging to confirm the groundwater flow direction.
- Following the risk assessment and collection of the additional data outlined above, a suitable ongoing management plan and remediation action plan (RAP) (if required) may be developed.

I consider this to be a reasonable approach, however, I note the following two items:

1. Section 7.6 Data Gaps states "*Further investigation would be required to determine if there are elevated levels of PFAS in the creek, if the creek supports recreational fishing, and if bioaccumulation is occurring.*"
Could GHD please provide further discussion on whether any further investigations or assessment is required to address this data gap and any associated potential risk?
2. The additional interim management measures for the Sch 2.2(a)(ii) in relation to 'hotspot B126' are not defined and it is unclear what is proposed in the short-term for this area. **Development of the interim PFAS management plan should be undertaken as a priority.**

Requirements under the Order/ Next Steps

The actions required under the Order to Assess whether Land Contaminated issued 2 December 2019 are as follows:

THE ACTIONS REQUIRED IN ASSESSING AND REPORTING:

1. Determine the nature, extent and source of PFAS contamination on land to which the order relates.
2. The assessment is to include both lateral and vertical delineation, in all environmental media in accordance with the Environment Protection Authority, December 2017, *Contaminated Sites Environment Protection Policy*, the National Environment Protection Council, 1999, *National Environment Protection (Assessment of Site Contamination) Measure (ASC NEPM)* and the Heads of EPAs Australia and New Zealand (HEPA), January 2018, *PFAS National Environmental Management Plan (the PFAS NEMP)*.
3. If required, serve notice of the order on the occupiers of the land for access for the person to carry out the assessment and, if an occupier is not the lessee of that land, serve notice on the lessee;

An extension was granted by ACT EPA (email 16 March 2020) initially until 22 June 2020. My Interim Audit Advice (IAA) No. 1 (dated 13 March 2020) endorsing the interim management strategy of restricted access to the impacted area in the Sch 2.2(a)(xi) was completed at the request of the ACT EPA.

The DSI was completed to further delineate the PFAS impact as per Actions 1 and 2 above. The DSI has identified further investigations are required to address the Actions. An interim PFAS management plan is also required. As noted above, it is not clear what further interim management measures are recommended for the Sch 2.2(a)(xi)

I recommend preparation of a Sampling Analysis and Quality Plan (SAQP) for audit review prior to the further investigations. **I recommend that the SAQP be provided to me for review and provision of email comments.**

The communication strategy and interim PFAS management plan should also be prepared in the short term. **If required by the ACT EPA I could prepare a second IAA reviewing the interim management strategy.**

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Alternately, I could provide email correspondence confirming that sufficient investigations have been completed to address the objectives of the Order.

It is not clear whether regulation of the site will continue after completion of the Order. However, the process for remediation or management would likely now include:

- Review of the ongoing management plan after completion of the further investigations and risk assessments
- Preparation of SAR if no further need for remediation is identified
- Review of RAP if a need for remediation is identified
- Preparation of IAA reviewing the RAP
- Review of Validation Report after completion of remedial works
- Preparation of SAR reviewing the validation report and any management plans.

It is recommended that clarification be sought from ACT EPA confirming the approach and timing of audit deliverables.

For your information I intend to conduct a walkover inspection of the site vicinity (publicly accessible areas) on the afternoon of Friday 19 June 2020.

If you would like to discuss any aspect of this email please do not hesitate to contact me.

Kind regards,

Rowena Salmon BEng (Env) (Hons)
Principal | NSW EPA Accredited Site Auditor

Sch 2.2(a)(ii)

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NSW 2060 Australia
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Ramboll Australia Pty Ltd
ACN 095 437 442
ABN 49 095 437 442

From: Carmen Yi <Sch 2.2(a)(ii)@ghd.com>
Sent: Thursday, 21 May 2020 5:18 PM
To: Rowena Salmon <Sch 2.2(a)(ii)@ramboll.com>
Cc: Kuga Kugathas (InTouch) <kuga.kugathas@act.gov.au>; Lewer, Kendall <Kendall.Lewer@act.gov.au>; Vejeya, Bharath <bharath.vejeya@act.gov.au>; Andersen, Kai <Kai.Andersen@act.gov.au>; Xanthe Holford <Sch 2.2(a)(ii)@ramboll.com>; Helen Milne <Sch 2.2(a)(ii)@ghd.com>; Morgan Singleton-Fookes <Sch 2.2(a)(ii)@ghd.com>
Subject: PFAS Detailed Site Investigation - Former Charnwood ACTFR site

Hi Rowena,

Please find the link below to download the DSI report for the Charnwood site in ACT.
Sch 2.2(a)(xi)

Please note the link will expire in six days and if there is any issue with the link please let me know.

Kind Regards,

Carmen Yi

Senior Environmental Engineer – Contamination and Environment Management

GHD

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Sch 2.2(a)(ii)

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From: "Sargent, Narelle" <Narelle.Sargent@act.gov.au>
Sent: 23/06/2020 8:18 PM
To: "Zeitlhofer, Chris" <Chris.Zeitlhofer@act.gov.au>
Cc: "Power, David" <DAVID.POWER@act.gov.au>; "Heckenberg, Mark" <Mark.Heckenberg@act.gov.au>; "Kugathas, Kuga" <Kuga.Kugathas@act.gov.au>; "Whelan, Georgeina" <Georgeina.Whelan@act.gov.au>; "Rutledge, Geoffrey" <Geoffrey.Rutledge@act.gov.au>; "Lewer, Kendall" <Kendall.Lewer@act.gov.au>; "Johnson, Ray" <Ray.Johnson@act.gov.au>
Subject: APPROVED: EPA Order Request for extension Charnwood PFAS [SEC=UNOFFICIAL]
Attachments: RE: PFAS Detailed Site Investigation - Former Charnwood ACTFR site, RE: PFAS Detailed Site Investigation - Former Charnwood ACTFR site, FW: PFAS Detailed Site Investigation - Former Charnwood ACTFR site, PFAS Charnwood recomendations and Timeline.docx

Dear Chris

I have reviewed your request for an extension and support an extension for provision of the draft audit documents for a period of 8 months, that is until 22 March 2021.

Should the Auditor's findings of the assessment works indicate that remediation/management is required, the EPA would then consider other regulatory action under the Act including issuing an Order to remediate land under section 91D of the Act and/or an Environment Protection Order under section 125(3) of the Act in relation to the on-going management of the site.

The extension is conditional on:

- Priority being given to tasks 1, 2 and 3 of the timeline with all of these tasks being completed within 6 months of the date of this support for an extension;
- Support from the Auditor of the proposed interim management measures and notice of their implementation to be provided to the EPA within 1 month of this email;
- Support from the Auditor of the proposed sampling and analysis plan to be provided to the EPA as soon as it is issued by the Auditor and no later than 2 months from the date of this email;
- Support from the Auditor of the initial/proposed community engagement and communication strategy to be provided to the EPA as soon as it is issued by the Auditor and no later than 2 months from the date of this email;
- Fortnightly updates on the progress of works to be forwarded to ContaminatedSites@act.gov.au.

Please note: that the Item 5 (the last item) in the timeline (attached) relates to remediation/management not assessment and is therefore outside of the scope of the Order.

Warm regards
Narelle Sargent
Environment Protection Authority

Narelle Sargent
Environment Protection Authority (including Water Resources Act)
Clinical Waste Controller
Delegate for Lakes

Access Canberra | ACT Government

Phone: 02 6207 5782 | Mobile Sch 2.2(a)(ii) Email: narelle.sargent@act.gov.au

470 Northbourne Avenue, Dickson | GPO Box 158 Canberra ACT 2601 | www.act.gov.au/accessCBR



From: Zeitlhofer, Chris
Sent: Tuesday, 23 June 2020 10:52 AM

To: Heckenberg, Mark <Mark.Heckenberg@act.gov.au>

Cc: Sargent, Narelle <Narelle.Sargent@act.gov.au>; Rutledge, Geoffrey <Geoffrey.Rutledge@act.gov.au>; Kugathas, Kuga <Kuga.Kugathas@act.gov.au>; Whelan, Georgeina <Georgeina.Whelan@act.gov.au>; Johnson, Ray <Ray.Johnson@act.gov.au>; Lewer, Kendall <Kendall.Lewer@act.gov.au>

Subject: EPA Order Request for extension Charnwood PFAS

UNOFFICIAL

Dear Mark,

I am writing to you on behalf of Commissioner Whelan regarding the 'Order to Assess Whether Land Contaminated' in relation to Block 14 Section 97 Charnwood, Block 5 Section 97 Charnwood, and any adjacent land found to be impacted by contamination originating from Block 22 Section 97 Charnwood, which was issued by you on 2 December 2019.

The Emergency Services Agency requests an extension of time to allow for further intrusive testing and assessment in accordance with Section 91G of the *Environment Protection Act 1997*.

The report submitted to Contaminated Sites by ACT Fire & Rescue on 22 June provided additional information (also attached) from the auditor and made a number of recommendations (see full report). A brief of the recommendations and the timelines provided by GHD are attached.

I am in the process of seeking funding to conduct the additional intrusive testing and community consultation, an indicative timeline has been provided as part of the audit report mentioned above.

Interim measures have been placed in order to fence off the highlighted spot on the [Sch 2.2\(a\)\(xi\)](#).

Based on advice provided above, we anticipate the necessary action will take approximately 10 months. Subsequently, the ESA seek approval for an extension to the Order of 10 months in order to undertake those actions including site testing and community consultation. The timelines provided by GHD will require an extension out to 20 May 2021 to conduct the recommended testing.

Please do not hesitate to contact me if you need any further information to assess this request.

Regards

a/g Chief Officer Chris Zeitlhofer

ACT Fire & Rescue Operations

Ph: (02) 62078122

Mob: [Sch 2.2\(a\)\(ii\)](#)

www.firebrigade.act.gov.au/

