



Our ref: DOC23/903965

Dr Amanda Cohn MLC
Chair
Portfolio Committee No. 2 - Health
Parliament of NSW

By email: portfoliocommittee2@parliament.nsw.gov.au

Dear Chair

I refer to Portfolio Committee No. 2's Inquiry into the current and potential impacts of gold, silver, lead and zinc mining on human health, land, air and water quality in New South Wales and to the hearing on 18 September 2023.

Response to questions on notice

Please find enclosed the EPA's responses to questions on notice.

Response to the supplementary question

I understand Stephen Beaman has responded separately to you on the supplementary question.

Transcript correction request, clarification of my evidence and additional information

Thank you for the opportunity to review the uncorrected transcript. I seek a correction to the transcript. I also wish to clarify some of my evidence and provide additional information to the evidence I provided at the hearing. This information is enclosed.

Yours sincerely

TONY CHAPPEL
Chief Executive Officer

16 October 2023

Encl

Portfolio Committee No. 2's Inquiry into the current and potential impacts of gold, silver, lead and zinc mining on human health, land, air and water quality in New South Wales

**Tony Chappel, Chief Executive Officer Environment Protection Authority
Corrections, clarifications and additional information**

1. Requested transcript correction

Page 34 of the uncorrected transcript states:

TONY CHAPPEL: Thank you for the invitation to appear before this Committee and to represent the Environmental Protection Authority, which I will refer to now as the EPA.

I request that "Environmental Protection Authority" be corrected to "Environment Protection Authority".

2. Clarification of evidence and additional information

Court proceedings

Page 38 of the uncorrected transcript states:

Ms CATE FAEHRMANN: Do you think mining companies are fearful of the EPA?

TONY CHAPPEL: I think they're certainly fearful of both losing their social licence to operate, but their literal licences as well. I can tell you, we wouldn't have hesitated in this case to require further action or suspension of operations to achieve compliance if the company hadn't acted immediately to bring itself into compliance. I guess the only other point I'd make is that we are now in court prosecuting a series of offences and we have a number of other investigations under way. The relevant investigation that's leading to these criminal proceedings commenced in August 2022.

The reference to "a series of offences" should instead be to "an offence" as the EPA had one prosecution against Cadia Holdings Pty Limited in Court on 18 September 2023 for an offence against s 128 of the *Protection of the Environment Operations Act 1997* for allegedly exceeding the standard of concentration for solid particles (total) under the *Protection of the Environment Operations (Clean Air) Regulation 2021* as a result of operating mine surface exhaust fans.

On 12 October 2023, the EPA commenced additional prosecutions against Cadia Holdings Pty Limited for:

- (a) an offence against section 128(1)(b) of the *Protection of the Environment Operations Act 1997* in relation to the alleged emission of solid particles (total) from Ventilation Rise 8.1 in November 2021 in excess of the standard of concentration as provided in the *Protection of the Environment Operations (Clean Air) Regulation 2021*
- (b) an offence against section 128(1)(b) of the *Protection of the Environment Operations Act 1997* in relation to the alleged emission of solid particles (total) from Ventilation Rise 8.1 in May 2023 in excess of the standard of concentration as provided in the *Protection of the Environment Operations (Clean Air) Regulation 2022*
- (c) two offences against section 126(1) of the *Protection of the Environment Operations Act 1997* in relation to the alleged air pollution from the Cadia mine on 13 and 31 October 2022 from the storage of tailings in the northern and southern tailings storage facilities, which was allegedly caused, in part, as a result of Cadia Holdings Pty Limited's failure to store those tailings in a proper and efficient manner.

3. Additional information

Page 36 of the uncorrected transcript – EPA response to particular complaints

Page 36 of the uncorrected transcript states:

Ms CATE FAEHRMANN: We heard from witnesses this morning from the Cadia Community Sustainability Network that many of their members, it seemed, had put forward and put through complaints about Cadia's operations. We got examples of complaints in the lead-up to Christmas in terms of dust pollution. One of the witnesses said that they had submitted complaints 36 times between October 2018 and May 2023. They got four emails back and sometimes a few questions. They've said that the first time that they met and got anything significant from the EPA was 12 May, which I understand you had a strong hand in arranging. What happened in the lead-up? Until the 12 May meeting, though, the community didn't seem satisfied with the EPA. Why did it take until that time to provide an adequate response to the community on this issue?

Page 37 of the uncorrected transcript states:

Ms CATE FAEHRMANN: I don't want to dwell on what should have happened too much. With the many complaints that seemed to go unanswered or unaddressed, is that an issue of, for example, resourcing? Have you been able to provide more resources in terms of personnel to the complaints line, or was it just a stubbornness or refusal to respond to those questions? Genuinely, in terms of the issue of "We need to be making recommendations to government", was it an ideological stubbornness or something? That's not the word, but is it resourcing or was a decision made not to respond?

TONY CHAPPEL: I'd have to interrogate the specifics of the various complaints.

For the assistance of Portfolio Committee No. 2, I would like to add to my evidence by clarifying EPA Environment Line records indicate that:

- 76 reports have been received regarding Cadia Holdings Pty Limited's mine between January 2018 and 18 August 2023.
- Of those 76 reports, there are 68 for which there is a record of a response and 8 for which there is no record of a response.
- Of the 76 reports, the greatest number of reports with the same surname was 26 reports, which were received from 3 different people with the same surname.
- Of those 26 reports, a response was provided to 24 via property inspections, phone calls or emails.