

**Submission  
No 185**

**INQUIRY INTO PERFORMANCE OF THE NSW  
ENVIRONMENT PROTECTION AUTHORITY**

**Name:** Mr Paul Taylor

**Date received:** 28/08/2014

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INQUIRY INTO THE PERFORMANCE OF THE NSW ENVIRONMENTAL PROTECTION AUTHORITY

Please find enclosed my Submission to the above mentioned Inquiry.

The Inquiries Terms of Reference states

1 (a) Measure the EPA's recent performance against its objectives pursuant to Section 6 of the Act.

**PART 3 OBJECTIVES OF THE EPA**

6. 1 The Objectives of the Authority are:

- (a) Protect, restore and enhance the quality of the environment in NSW.
- (b) To reduce the risks to human health and prevent degradation of the environment.

My complaint questions in this instance whether the NSW EPA managed to adhere to the objectives listed above.

Paramount to my complaint is the manner in which a pollution event was handled by the NSW EPA Murwillumbah's Office and if any outside pressures influenced its decision making in the pursuit and prosecution of the offender. Specifically the actions taken by the Murwillumbah Office of the NSW EPA in supporting other NSW Government Departments in their efforts in prosecuting the offending polluter needs investigating.

Central to my complaint is a pollution event that occurred in the Tweed River at Uki, on Friday February 20, 2004 and resulted in a prosecution in the NSW Land & Environment Court.

LEC No. 50072 of 2004

**ENVIRONMENT PROTECTION AUTHORITY v DAVIS [2005] NSWLEC 643**

(See attachment A)

A brief description of the event is that a licensed Septic Waste Truck operator illegally dumped several thousand litres of highly infectious liquid waste into the Tweed River at Uki, at a location less than 400 metres upstream of the Tweed Shire Councils Water Treatment Plant at Uki.

The site of the illegal dumping was in close proximity to where water is pumped from the Tweed River into the Uki Water Treatment Plant and treated for the purpose of supplying the residents of Uki with a safe and reliable drinking water.

The offender was caught in the act of disposing the waste by a diligent NSW Department of Infrastructure Planning and Natural Resources Officer, who was based in Murwillumbah.

Following departmental protocol and the requirements under the Act, notified Tweed Shire Council and its Water Unit Engineer responsible, about the emergency at Uki on the morning of Friday February 20, 2004.

As the Tweed Shire Council Operator in Charge at the Uki Water Treatment Plant that day, I am still dismayed that some person, in this case a NSW licensed Septic Tank Waste Disposal operator would dump thousands of litres of highly infectious waste into a local waterway, let alone upstream from a drinking water intake site.

What concerned me then and still now is that the Senior Tweed Shire Council Water Unit Engineer, , who took 's call didn't deem it necessary to inform me or any other Operators of the pollution event.

Therefore instead of the Uki Water Treatment Plant closing down operations until the threat of contamination had passed, it continued operating as per normal over the subsequent days of Saturday 21 February, Sunday 22 February, Monday 23 February, and Tuesday 24 February.

Water continued to be pumped from the river while the Plant Operators, including myself, were totally unaware of any septic waste dumping on the previous Friday, less than 400 metres upstream from the pump station.

By Wednesday 25 February 2004, the NSW Health Department had issued an unprecedented Shire Wide Boiled Water Alert. The drinking water was unsafe to drink or wash in, after returning Bacteria results that showed dangerously high levels of e- Coli.

Tweed Shire Councils Water Unit response to the pollution event was a confused mess of misinformation and a deliberate cover up. The way the emergency was handled came under much criticism from many quarters, including myself, and the excuses for the Drinking Water contamination that Senior Water Unit staff peddled were verging on straight out deception.

(See attachment B)

Yet throughout all of this the Murwillumbah Office of the EPA seemed to just be a disinterested onlooker in the whole investigative process and certainly not a display of upholding the Objectives that the NSW EPA champions in its charter.

It was most fortunate no community members died from this poisoning of their drinking water, yet mine and other community member's howls of protest to the Tweed Shire Council Water Unit and its inept response to the pollution event was mostly ignored and I was labelled as a troublemaker.

I am urging this Inquiry to investigate the Murwillumbah EPA Office's role in the pollution event at Uki and consider how appropriate its response was in protecting a local waterway that teemed with native fish, was a known platypus breeding spot and above all supplied the district with water for drinking, washing, community swimming and farming exploits.

Did the local Murwillumbah EPA Office willingly co-operate, contribute and participate in the pursuit and prosecution of the person, \_\_\_\_\_, who illegally dumped the septic waste into the Tweed River?

What assistance did the Murwillumbah EPA Office give to the case in prosecuting \_\_\_\_\_ ?

Was \_\_\_\_\_, the NSW Departmental officer who caught \_\_\_\_\_ in the act, forced to use the resources of the Sydney EPA office in preparing a case against \_\_\_\_\_, because of reluctance or little assistance from the Murwillumbah's EPA Office?

Did any members of the Tweed Shire Councils Management team or other Water Unit Officers influence the Murwillumbah EPA's office in its decision making in regards to its participation in the case against \_\_\_\_\_ ?

Specifically, did the Tweed Shire Council Director of Engineering, \_\_\_\_\_ or Tweed Shire Council Manager of Water, \_\_\_\_\_ play any part in persuading the Murwillumbah NSW EPA Office to take the role they did in this case?

What information and from whom was forwarded to EPA spokesperson regarding this pollution event?

And how did \_\_\_\_\_ reach the assumption that for him to publicly declare on ABC Radio North Coast, that in fact no septic waste ever entered the waterway at Uki as result of the illegal dumping due to the diligence of the EPA?

After 10 years employed by Tweed Shire Council, several as a Senior Water Treatment Plant Operator I was dismissed on minor disciplinary charges in 2005 after I lodged a formal complaint against Senior Water Unit Staff's covering up of the Drinking Water contamination at Uki. Any assistance I can give the Committee I am willing to and have kept all relevant documentation to do with this case.

Yours Sincerely

Paul Taylor