

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

**Organisation:** Mudgee District Environment Group  
**Date received:** 29/08/2014

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The Director  
General Purpose Standing Committee No. 5  
Parliament House  
Macquarie St  
Sydney NSW 2000

29 August 2014

Dear Sir/Madam,

### **Performance of the NSW Environment Protection Authority**

Mudgee District Environment Group (MDEG), based in the Mid-Western Region local government area in NSW, is working for the conservation of our natural heritage and a sustainable future for our children.

MDEG welcomes the opportunity to make a submission to the inquiry into the performance of the NSW Environment Protection Agency (EPA).

#### **1. EPA resourcing**

MDEG main experience with EPA has been in relation to the licencing and compliance issues for coal mining operations in the Mudgee region. While we applaud the EPA staff and their dedication to their work, we believe that they are seriously under resourced to adequately respond to and manage the very large scale coal mining operations that have been approved or expanded in the area over the past 14 years.

MDEG considers that the capacity of the EPA to respond quickly to pollution incident reports at the three large scale coal mines in the Mudgee region is severely hampered by the fact that staff are based 2 hours away in Bathurst.

Recommendation 1: That the EPA have staff based at the Office of Environment and Heritage facilities in Mudgee.

#### **2. Environmental Pollution Licences**

MDEG has concerns about the lack of transparency in the process of developing environmental pollution licences (EPLs) for large opencut coal mines. Particularly for the management of mine waste water.

The EPL for mine water discharge from the Ulan Mine operations has been a document of ongoing change for many years, adapting to the needs of the mining operations rather than to the protection of the downstream environment of the Goulburn River.

The same problem has occurred with the granting of an EPL for the Moolarben Mine. This mine has breached licence conditions several times and been fined because of community reporting of the breach events. The current EPL does not adequately recognize the impacts of regular rain events on the mine's ability to manage onsite mine water and will not protect the health of the Goulburn River.

The rain event in December 2010 caused the EPA to turn off the EPLs so that the three mines could discharge untreated mine water into the Goulburn River system for several months. New licence conditions should have accounted for extreme wet weather events.

EPLs developed to manage air pollution from opencut coal mining operations are currently ineffectual because residences up to 5kms away are receiving coal dust internally. The current dust stop program, while a move in the right direction, is allowing individual mining companies to develop their own definitions of adverse weather conditions.

MDEG considers that all regulation of air pollution should be standardized across the coal industry.

Recommendation 2: That the development of EPLs be conducted through a transparent process with community and independent expert participation

### 3. EPA participation in the planning process for large coal mines

MDEG considers that the EPA's independence in assessing major development projects such as large coal mines is essential including upholding objections to inappropriate scale of environmental damage and identifying proposals that will be impossible to monitor and enforce compliance.

The EPA should operate as a fearless and independent environmental watchdog that puts the interests of the community and natural environment first.

Recommendation 3: That the EPA have full right within the NSW planning process to object to a major project proposal on the grounds of unmanageable environmental damage and pollution.

### 4. Industrial Noise Policy

The current Industrial Noise Policy (INP) is part of the Department of Planning and Environment approvals process while the EPA has carriage of regulating the policy.

The INP is currently under review and must be considered in an open and transparent process with broad community participation.

The INP is currently inappropriate for remote rural areas because it does not recognise background noise levels less than 30 decibels. This has caused enormous community disruption and unjust impacts on community health.

The EPA must have free access to all raw data from meteorological stations and monitoring sites within mine boundaries to be able to adequately regulate compliance with EPLs for noise and dust management.

Recommendation 4: That the review of the INP be an open public process and that the EPA have access to all data collected by mining companies.

5. Community participation in EPA management

MDEG supports that the previous membership of the EPA board be reinstated to include community knowledge and onground experience with representation from the environment and local government sectors.

Yours sincerely

Bev Smiles  
Chairperson