

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

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**Submission by Dr Ann Young to the Inquiry into the performance of the NSW Environment Protection Authority by the General Purpose Standing Committee No 5 of the NSW Legislative Council - August 2014**

EPL 2504, issued 24 Apr 2013 Endeavour Coal re Westcliff waste disposal facility

This licence related to the highly contentious discharge of waste water from the Westcliff mine, washery and waste dump operated by Endeavour Coal for BHPB Illawarra Coal. The washery and waste dump receive coal and its reject from both Appin and Dendrobium mines. The community had been vocal in opposition to the growing size of the waste dump and to discharge of high pH/ high metal wastewater from the Brennans Creek dam at the site.

I commend the Wollongong office of the EPA for its proactive engagement with the community over the company's application to vary EPL 2504. We were invited to comment on the application, to make written submissions and to participate in information sessions through the process. The submissions were taken into account in the final licence as issued and my follow-up query in October 2013 was answered promptly and confirmed that the deadlines of the PRP programs were being met.

Not all of my recommendations were accepted and I am aware that not all community groups were satisfied with the outcome. At a Stakeholder Forum night in Wollongong in April 2014, some criticism was made. However I think most of us were pleased to have been involved and listened to, and to see an EPL much better than its predecessor.

However the communication remains a one-way street. I have not had any response to other issues I raised after the meeting with EPA senior staff, other than acknowledgement of my emails detailing my concerns.

Monitoring and licence conditions

This may lie outside your brief but I wish to raise the outmoded criteria and methods that are still used in licence conditions.

- In regard to EPL 2504, I questioned the pH criterion of 6.5-9, with the company being asked to keep it close to the high value. Since the advent of the Clean Water Act in 1970, this has been an almost universal criterion for water discharges, with no consideration being given to the pH of the environment into which wastewater is being discharged. It is pleasing to see risk-based criteria being introduced but the change to matching more environmentally appropriate criteria is disappointingly slow.
- Dust deposit gauges of the type used when I worked for SPCC (the EPA's predecessor) in the mid 1970s are still being used. Even then we knew that they were at best very general indicators, and often contaminated by random contributions ranging from animal faeces to bushfire smoke. Their only virtue that I can see is long-term data. But this is of little value, and it is time that better systems were required for all dust monitoring. They need to be continuous monitors, able to distinguish the source of fallout, the relevant particle sizes and the timing and severity of above-limit incidents.

Ann Young