

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

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Date received: 27/08/2014

Submission to

Inquiry into the Performance of the NSW Environment Protection Authority

I live in Coonabarabran and have had long experience on advisory groups to government, including NPWS Regional Advisory Committees and NPWS Advisory Council. I know personally members of the previously constituted EPA.

In my opinion the EPA is an important and essential organization if we are to maintain a healthy environment both for the human community and the natural environment. It must be strong and independent of political or commercial pressures. It must have sufficient resources to monitor compliance with licence conditions and when necessary to prosecute offenders. Fines and penalties should be heavy enough to impact on profits.

While-ever the EPA is dominated by industry representatives it is open to criticism as lacking independence. Community, local government and environment should also be strongly represented.

EPA Objectives

The EPA has a responsibility to protect, restore and enhance the quality of the environment, having regard to the need to maintain ecologically sustainable development.

It is always the environment that has to make the sacrifices. There are some developments that are just so risky that they shouldn't go ahead. You cannot predict the unpredictable. Unpredicted risks cannot be mitigated, and the EPA needs to be able to say this openly.

EPA investigation into groundwater contamination in the Pilliga by Santos' coal seam gas exploration.

I live within the southern Pilliga and have regularly camped in, cycled in, visited and enjoyed the Pilliga.

To my knowledge there have been a number of spills and leaks in the Pilliga in the years since exploration began there, some under Eastern Star Gas (ESG), some under Santos. It is not clear from the terms of reference which particular groundwater contamination is being referred to.

Santos cannot deny all responsibility in the case of ESGs poor management since they had a significant share holding in the original company. The EPA has consistently dealt lightly with any environmental problems resulting from these activities.

- In the early 2000s the overflow from a holding pond on a well pad adjoining the Newell Highway on the west, killed an area of native plants,

leaving a residue of black organic material on the ground. When made aware by members of the community, EPA eventually investigated and decided that the black residue was just decaying organic matter. There was no consideration at the time that the soil may have been contaminated or that the aquifers may have been impacted. The contaminated area is still dead in spite of surface rehabilitation. Even the ants haven't returned.

- Within the last few years there has been a similar death of trees extending out from a holding pond on a well pad to the east of the highway. This has also since been "rehabilitated" and both these incidents occurred in the time of ESG. In neither case was there any monitoring of the activities. Problems were only investigated after community concerns were brought to the attention of the EPA.
- Since Santos' acquisition, there has been a massive overflow/leak from one of the Bibblewindi storage ponds. We first noted it as a death of nearby trees. On closer investigation it turned out to be an area which had become boggy, maybe 150 metres long and 50 metres wide. This persisted for a number of months. I am of the understanding that Santos, once again blamed the previous owners and reported a leakage of 10 000 litres for which they were apparently fined. At our home we have an above ground swimming pool holding around 27 000 litres. There is no way that a volume of only 10 000 litres would have saturated the above area of ground for as long as it did. This fine was completely inadequate.
- The event for which Santos was fined \$1500 caused the concentration of uranium in two aquifers, one below the other. This ridiculously small fine, a metaphorical slap on the wrist, was apparently justified because no humans or stock were dependent on the aquifers and Santos self-reported the problem. The Santos data was provided to EPA without the possibility of NOW or the Department of Health reviewing it. It went on for years. It is not clear whether this leakage was the same as the one quoted above. EPA needs the resources to gather its own data.
- This will be an ongoing problem as the contaminated water will continue to spread, especially as a result of rain events.
- Santos has already been fined for other water offences, namely discharge of contaminated water into Bohena Creek.
- This is all about humans, and yet the EPA is also has a responsibility to "protect, restore and enhance the quality of the environment". The Pilliga is recognized federally as a Biodiversity Hotspot. Native flora and fauna deserve protection too. Animals drink from any water lying round, unaware that it is contaminated and a may be affected by it. Both birds and bees are important to the ecosystem. In addition the bees are an important commercial insect and may either be wiped out or pass on contaminants in the honey.

The role of the EPA in this whole saga seems to be one of collusion with the industry. They did not publicly release information about the leak and aquifer contamination. They did not gather their own data. They were subservient to OCSG at all times, and it seems that OCSG is far too close to the industry to be an adequate watchdog.

All this comes down to one point. EPA is vital to the regulation of environmental impacts in NSW, and to be such it must be fearless in speaking out and in prosecuting breeches, well resourced and above all independent.

Yours faithfully

Jane Judd

27 August 2014