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4 September 2021

Att: Mr. Gareth Ward
Member for Kiama
Via email.

Dear Gareth

Further to our conversation and as suggested, I have detailed this issue for you to forward to Matthew Kean.

Kind regards
Ralph

Matthew Kean
Minister for Energy and Environment

Dear Matthew

RE: EPA lack of response to Minnamurra River pollution report.

This issue requires the attention of your office due to its public interest and potential for controversy. I have tried to outline it in a logical manner.

Situational Overview:

The Minnamurra River begins in the popular Minnamurra Falls National Park. It then flows across the flood plain and forms a broad naturally attractive estuary as it enters the sea. It has one tributary close to the recreational area, Rocklow Creek. Unfortunately Boral's large hard rock quarry and sand mine drain to this creek. Hence there are a number of requirements under their Environment Protection Licence # 77.

The lower reaches of the river are protected from the ocean by Minnamurra Spit, part of Killalea State Park. The protected shallow sandy estuary is a highly valued playground for families. On a warm summer's day as many as 2,000 people use this river for swimming, kayaking, fishing and paddle boarding.

Such is the appreciation of the natural environment, that two recently proposed projects, Boral's Sand-mine expansion and Reflections plans for Killalea, have seen demonstrations of over 1,000 people each.

The pollution report and the EPA's response:

1-7-2021 ... Whilst bike riding, I noticed heavily turbid water flowing into Rocklow Creek at a fast rate. The source appeared to be Boral's quarry and sand mine.

7-7-2021 ... Almost a week later and this turbid water was still flowing at a fast rate. So I shot some video for evidence and reported the pollution to EPA. Case # 3874

My report as recorded by the EPA: "The water in Rocklow Creek is very heavily cloudy. Rocklow Creek flows to Minnamurra River and pollution is coming from Boral Quarry and it is from discharge from the quarry. No rain in the area for about 10 days. This creek does not flow unless it has rained recently. This happened last Friday 01/07/21 as well and at that time water in Rocklow Creek where it joins Minnamurra River was cloudy that you could not see the bottom in 400mil of water. The pollution is visible at GPS on the bike path 34 36 36 S and 150 50 19 E."

8-7-2021 ... An EPA officer contacted me for further details and successfully received my video evidence. The officer organised testing at the site.

8-7-2021 ... The discharge from Boral is continuing and can be clearly seen entering the Minnamurra River. So I collected further video evidence.

13-7-2021 ... EPA advised ... No Discharge = No breach of licence.

"Environment Protection Licence 77 (the Boral Quarry) has a licenced discharge limit of 50 mg/L for TSS. The sample results have come back and while appearing cloudy, the water was within licence discharge limits. Additionally, the quarries were not discharging water during this event. While there was no licence breach for this event, I am ensuring the quarries investigate the cause of the matter further and propose any mitigation measures. Their first inclination is that the groundwater is very high at the moment (due to rain over the past months) and groundwater may be egressing into Rocklow Creek at a high rate, but their investigation is continuing."

14-7-2021 ... Discharge from Boral completely stopped; despite them advising the EPA they were not discharging.

I collected video evidence to prove the discharge stopped after EPA raised the issue with Boral.

Frankly, I was more than surprised that the EPA accepted Boral's explanation when the evidence said otherwise. This led to the obvious question.

Why did Boral claim they were not discharging when they clearly were?

- I downloaded the Environment Licence 77 and read it.
- Page 17 requires Boral to take additional samples & tests and report to EPA if and only if they are discharging.
- Additionally these samples and tests have to be collected at a specific site (Site 10) within the hard rock quarry complex.
- The EPA did NOT take samples from Site 10.
- Site 10 requires additional tests, including Turbidity.

The logical conclusion is:

Boral claimed not to be discharging, because they have not conducted the tests required of them under their licence.

What the EPA did about it ... NOTHING !

- So I wrote to the EPA officer again, explaining the logic of why Boral was potentially in breach of their licence. I included:
 - More video evidence that the discharge had stopped.
 - Rainfall data from BOM, showing Boral's explanation to be false.
 - Calculations of total discharge of 103 ML. Yes, that is 103 million litres !
- I was shocked that silence was the response.
- Hence on 22-7-2021 I raised another new case with EPA as maybe the 'old' case was closed.
- I was asked for and forwarded all previous evidence.
- Again silence, no response whatsoever.

So this raises three serious public interest questions.

1. What damage is being done to the Minnamurra River?

2. Is the EPA not capable of enforcing this Environmental Protection Licence?

3. If the EPA can't police this licence, which other licences can't they or won't they enforce?

Due to my respect for Gareth Ward, and the good work your office is doing on a range of issues, I am firstly raising this to your attention rather than going public.

If you require any clarification or wish to discuss the ramifications please feel free to contact me.

Sincerely
Ralph Stadus