



## MEDIA RELEASE

### **NSW Government accused of suppressing judgement on AGL environmental breach in Camden Gas Project while receiving public submissions on Stage 3**

The Scenic Hills Association is calling on the NSW Government to release its response to AGL's latest breach of its Environment Protection Licence (EPL 12003) on air emissions in the Camden Gas Project before the close of public submissions for Stage 3 of the Project on February 8.

"The Environment Protection Authority's response to AGL's four year failure to continuously monitor air emissions at its Rosalind Park Gas Treatment Plant [RPGTP] was due in November but there have been endless excuses as to why the EPA hasn't released its findings or what action it intends to take against AGL. Its response is critical input to the Planning Assessment Commission's review of AGL's Stage 3 Northern Expansion into the Sydney Metropolitan Area," said Jacqui Kirkby, spokesperson for the Scenic Hills Association.

"Meanwhile AGL is being allowed to continue to operate its treatment plant in breach of its licence in a region where the EPA admits there can be unacceptable levels of ozone and heavy particles associated with respiratory disease. The treatment plant emits nitrogen oxides (NOx) which can contribute to ozone levels of particular concern in summer.

"We think the government is irresponsibly trying to avoid the fact that it can't manage this industry, no matter how much regulation it puts in place," Ms Kirkby said. "The breach is a total failure of the system to monitor this industry in the only large scale producing coal seam gas field in NSW that already operates under strict conditions of consent, unlike other parts of NSW."

#### **Chronology:**

- On the 15<sup>th</sup> August 2012 AGL released a media statement confirming that it had been in breach of its EPL by not conducting continuous air monitoring at the RPGTP, later admitting this was from 2008.
- The breach was picked up after the EPA changed some of its reporting requirements for the Camden Gas Project to monthly reporting.
- AGL was allowed to engage its own consultants to investigate the breach and report to the EPA even though this system of allowing AGL to **self-monitor, self-investigate and self-report** had already failed to pick up the breach for 4 years. A preliminary report was made to the Camden Gas Project Community Consultative Committee meeting of the 16<sup>th</sup> August 2012:
  - Both quarterly and continuous air monitoring are required by AGL's conditions of planning consent for the Camden Gas Project, by the conditions of its Petroleum Production Lease and by its EPL. Despite this it seems that when the continuous air monitors failed AGL decided to rely solely on its quarterly monitoring and reported the results as if the continuous monitoring was still operating.
  - The omission and breach were apparently not picked up by any authority responsible for ensuring compliance: not the NSW Department of Planning, Department of Resources & Energy or the EPA.
  - It was also *not* picked up by the auditors in the two year Independent Environment Audits of 2008 or 2010.

“This is the third breach of AGL’s EPL relating to air quality that we know of in as many years. The first two were only brought to the public’s attention by the media. The regulatory responses to both were unacceptable” said Ms Kirkby.

Details of previous breaches:

- On the 31<sup>st</sup> August 2011 Channel 7 News reported it had sourced documents showing that AGL had pumped 30% more acid-rain causing sulphur oxides into the air at its RPGTP than permitted by its licence for three years running. AGL claimed that the original levels it had agreed to were un-measurable. The EPA’s response was to **modify the licence conditions** so that AGL has since complied.
- On the 17<sup>th</sup> May 2011, AGL was caught by Channel 10 News venting the contents of a well clean-out (*well maintenance workover*) to the air near the Upper Canal carrying Sydney’s back-up water supply and towards houses in Glen Alpine near Campbelltown. There was a school nearby. In the following investigation, AGL was allowed to collect its own soil and water samples for analysis at an external laboratory and to later engage its own consultant to report to the EPA. The EPA later determined that AGL had not followed procedure but as there was no significant environmental harm it was **given a warning**. The reason for grass ‘discolouration’ where the contents had landed was never explained.
- AGL’s responses to the above are found at: <http://agk.com.au/camden/index.php/news>

The EPA has stated that AGL’s latest breach in failing to conduct continuous air monitoring carries a variety of regulatory responses from the EPA including court action or fines. As at today the EPA has not yet decided what action it will take.

“AGL continues to brazenly claim that the Camden Gas Project has been operating safely for ten years to support its application to expand it into the Sydney Metropolitan Area. We are concerned that both AGL and the NSW Government know that it does not have the data for air or groundwater to support such a claim, being in breach of one or other of its licences, leases or conditions of consent over this period in not collecting this in a scientific manner.

**“We believe this latest breach shows conclusively that the Government cannot manage this industry no matter how much regulation it puts in place. It’s time to come clean.”**

Note: Jacqui Kirkby is also a member of the Community Consultative Committee for the Camden Gas Project.

**Authorised by Jacqui Kirkby (0411873999) and Fr. Greg Burke (0421158067) on behalf of the Scenic Hills Association 24<sup>th</sup> January 2013.**

**Website: [www.scenichills.org.au](http://www.scenichills.org.au).**