

Subject: A reply to your correspondence to the Minister for the Environment – MD18/32

Date: Thu, 23 Aug 2018 00:44:32 +0000

From: Ministerial Correspondence Mailbox

[<MinisterialCorrespondence@environment.nsw.gov.au>](mailto:MinisterialCorrespondence@environment.nsw.gov.au)

To: [REDACTED]

Dear Mr Donahoo

I refer to your email to the Minister for the Environment, the Hon Gabrielle Upton MP about your submission to the NSW government on the application of NSW laws to PFAS contamination in the greater Williamstown area. Your email was referred to the Environment Protection Authority (EPA) and I have been asked to reply.

The EPA, through the *Contaminated Land Management Act 1997* (NSW) (CLM Act) and *Protection of the Environment Operations Act 1997* (NSW), regulates contaminated land using the ‘polluter pays principle’.

In NSW, the polluter pays for, and manages any clean-up required. The EPA requires the polluter (or if not known, the owner/occupier of the land that was the source of contamination) to undertake assessment reports and collect samples of soils and/or water for analysis of PFAS. If significant levels are detected and human or ecological exposure is likely, a more detailed assessment is required.

In relation to your notification of the Defence RAAF Base at Williamstown under section 60 of the CLM Act, please note that the EPA is currently managing the site under the NSW PFAS Investigation Program, which has identified PFAS contamination at and around the site, primarily associated with firefighting use and training.

The NSW Government adopts a precautionary approach to limit people’s exposure to PFAS. Typically, this approach means assessing and minimising human exposure pathways. Since the announcement of PFAS contamination at the Defence RAAF Base at Williamstown in 2015, the NSW Government has worked with Defence to assess the extent of the contamination risks to human health and the environment at its bases across NSW. Managing off-site impacts of PFAS contamination from Defence bases differs from other contaminated sites for four primary reasons:

The EPA does not have regulatory powers over Defence and, therefore, has limited power to influence their proposed remediation actions and response times.

The status of PFAS as an emerging contaminant means there is still uncertainty as to the risk it poses and how to deal with it.

There is no ready avenue for the EPA to undertake independent action, because the regulatory framework requires the polluter to pay for assessment and clean-up actions to protect the community and the environment.

Though not responsible for PFAS contamination on Defence bases, the NSW Government is spending more than \$10 million to address PFAS contamination across NSW. As a result, the NSW Government has undertaken a series of important initiatives to assist communities affected by PFAS contamination, including:

Funding the NSW PFAS Investigation program to assess the prevalence of PFAS across NSW and review Site Investigation Reports, Human Health Risk assessments and Biota (fish) and other studies.

Funding reticulated water connections in the Williamtown investigation area, scientific equipment used in assessments and additional mental health services to assist affected residents.

Direct engagement with the Williamtown community to deliver practical assistance and information for affected residents since October 2015.

Funding the Community Reference Group and the NSW PFAS Expert Panel, chaired by the NSW Chief Scientist and Engineer.

Implementing a response consistent with the “polluter pays” principle set out in the PFAS Inter-Governmental Agreement, requiring Defence to take responsibility for the effects of its contamination.

Outlining expectations to the Commonwealth Government with respect to ongoing management and community.

Providing funding to the Hunter New England Local Health District to employ a specialist physician and additional mental health services to deal with Williamtown PFAS related health issues.

Requesting Defence to conduct additional testing, which resulted in an updated Human Health Risk Assessment with over 4,600 additional data points.

Pursuing Defence to implement remediation and ongoing management.

A program of rolling out water tanks to residents who are not yet connected to town water.

NSW Government will also continue to advocate on behalf of residents near Defence bases for the Commonwealth to step up its responsibility as the polluter.

Further information about The NSW PFAS Investigation Program can be found at <https://www.epa.nsw.gov.au/your-environment/contaminated-land/pfas-investigation-program>

If you have any further questions about this issue, please contact Mr David Gathercole, Manager Strategic Regulation, NSW EPA on (02) 9995 6823 or at david.gathercole@epa.nsw.gov.au

STEVE BEAMAN PSM

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