

Media Statement

17 October 2011

Positive steps in protecting the Coxs River

On 2 June 2009, the Blue Mountains Conservation Society commenced legal action in the Land and Environment Court seeking orders against Delta Electricity for the discharge of waste waters from a discharge point at Wallerawang power station, containing pollutants into the Coxs River, namely Salt, Copper, Boron, Zinc, Arsenic, Aluminium and Fluoride.

The case tested several legal points which established:

1. Orders limiting costs payable by a losing party which was \$20,000 in this case; and
2. Jurisdictional issues allowing Blue Mountains Conservation Society, as a non-regulatory body, to bring the proceedings against Delta Electricity.

The case had been listed for directions on 9 December 2011, however, the Society and Delta Electricity agreed to mediation to reach a mutually acceptable outcome.

The mediation occurred on 11 October 2011 and the Society and Delta Electricity have agreed to discontinue the legal action based on the following:

- Delta Electricity admitting that it has discharged waste waters containing the pollutants between May 2007 and August 2011, and that it has polluted waters within the meaning of section 120 of the *Protection of Environment Operations Act 1997*, without authorisation under its Licence except in relation to salt;
- Delta Electricity agreeing to submit an application to the EPA by 25 October 2011 to vary its Environment Protection Licence for its Wallerawang power station to specify maximum concentration levels for each of copper, zinc, aluminium, boron, fluoride, arsenic, salt and nickel in the waste water authorised to be discharged at the Wallerawang power station into the Coxs River; and
- Delta Electricity agreeing to submit an application to the EPA by 25 October 2011 to include a condition or conditions in its Licence which requires Delta to implement a program of works to be completed by the end of 2015, subject to government approvals, for the full treatment of cooling tower blow down water from Wallerawang power station pursuant to a pollution reduction program with the EPA.

Tara Cameron, Vice President of the Society said that it is positive to have the pollution acknowledged and commitments made for action, which BMCS expects the EPA to oversee thoroughly.

Greg Everett, Delta Electricity's Chief Executive said that the mediated outcome reinforces Delta's commitment to sustainability and working with our stakeholders.

The Blue Mountains Conservation Society and Delta Electricity look forward to a building a constructive relationship. The BMCS will closely monitor the progress and outcomes of Delta's commitments.

Ends

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