

Dr Cathy Wilkinson
Chief Executive Officer
Environment Protection Authority
Email: Cathy.Wilkinson@epa.vic.gov.au

15 May, 2020

Ref: 478450

Dear Cathy,

Re: Maddingley Brown Coal and West Gate Tunnel Project

Moorabool Shire Council (Council) is now aware that Maddingley Brown Coal (MBC) has submitted a proposal to accept, store, and potentially dispose of unclassified contaminated soil from the West Gate Tunnel Project to the Environment Protection Authority (EPA) and the Minister for Planning.

It is Council's view that the following information ought be considered in the review of the application:

- The s53V audit of Nolan dated March 2020, which measures the current risk to the environment. The executive summary for which is attached, and
- A copy of the enforcement proceedings taken by Council together with attached schedules of alleged breaches, copies of which are attached.

We refer you in particular to the audit page iv in the summary which sets out the auditor's conclusions on risks of the current operation.

The auditor concludes:

"These risks are not considered tolerable as all practicable risk mitigation measures have not been implemented. Recommendations for action have been developed to assist in mitigating these risks."

The identified risks are matters of significance and relevant to your decision making.

Council would appreciate an indication from the EPA as to what regulatory tools it will apply, including but not limited to the issue of notices under the Environment Protection Act to ensure that these risks are properly and promptly addressed.

Council has not been consulted with about the application. Consultation, in order to be meaningful, requires that Council has knowledge about the application.

Council is yet to be provided with technical documents that accompany the application, despite repeated requests for same and as a result cannot inform itself of the potential risks associated with the application nor the appropriateness of any proposed mitigation of the risks.

Neither have we been informed of the assessment pathway nor the expected timeframes. We have a highly anxious community and no information to provide comfort. The applicant has current and historical compliance issues that Council has an obligation to manage.

Council appreciates the time pressures everyone is working under but expects a role in the proper assessment and review of this application to consider the concerns of the Moorabool community and severity of the risks involved.

Yours sincerely,

A handwritten signature in blue ink, appearing to read 'Derek Madden', written in a cursive style.

Derek Madden
Chief Executive Officer