

**From:** [REDACTED]  
**Sent:** Wednesday, 4 December 2019 4:03 PM  
**To:** [REDACTED]  
**Subject:** A reply to your correspondence to the Minister for Energy and Environment – MD19/5889 (Your ref: D19/25042)

Dear Mr Luke

I refer to Ms Livingstone's letter to the Minister for Energy and Environment, the Hon Matt Kean MP, inviting submissions on variations to the Green Square Water Pty Ltd (GSW) network operator's licences (NOL) and Flow Systems Pty Ltd (Flow Systems) retail supplier's licences (RSL) under the *Water Industry Competition Act 2006* (WIC Act). Ms Livingstone's letter was referred to the Environment Protection Authority (EPA) and I have been asked to reply.

The EPA has reviewed the applications for these licence variations and does not consider that the proposed variations to the WIC Act licences pose any additional risk to the environment.

The EPA is not aware of any breaches of the *Protection of Environment Operations Act 1997* (POEO Act) and has not taken any regulatory action against GSW or Flow Systems. The EPA recommends that IPART also consults with the City of Sydney Council as is it the appropriate regulatory authority for these schemes under the POEO Act. The EPA is not aware of the City of Sydney Council having breached the POEO Act in relation to these activities.

With regards to IPART's query about requirements for approvals under the POEO Act, clause 36 of Schedule 1 states that an Environment Protection Licence (EPL) is required for sewage treatment that has a processing capacity that exceeds 2,500 persons equivalent or 750 kilolitres per day, whichever is the greater where there is the discharge or likely discharge of wastes or by-products to land or waters. It is the EPA's understanding that the proposed variations do not alter waste disposal methods to include discharge to waters or lands, therefore the situation remains unchanged and EPLs are not required.

IPART has asked whether the varied NOL should contain any specific conditions in relation to protection of the environment. The EPA has no recommended conditions relating to the environment that should be included in the NOL. It is the opinion of the EPA that it is the responsibility of the proponent to ensure that all relevant environmental legislation is complied with and that the licensing implemented by IPART should not duplicate legislated environmental requirements.

If you have any further questions about the EPA's comments, please contact Ms Aleesha Rodgers, [REDACTED], EPA on [REDACTED].

**SARAH THOMSON**  
[REDACTED]



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