



1 May 2014

Mr Peter Stewart
Victorian Government Solicitor
Victorian Government Solicitor's Office
PO Box 4356
Melbourne VIC 3001

By email: peter.stewart@vgso.vic.gov.au

Dear Mr Stewart

Hazelwood Mine Fire Inquiry

The Board of Inquiry seeks two witness statements from the Environment Protection Agency (EPA). The first is from John Merritt, the outgoing Chief Executive Officer of the EPA. The second is from an appropriate air quality scientist.

We have asked Mr Merritt to outline the environmental monitoring that the EPA proposes to undertake in the Latrobe Valley in future, but are conscious that he will no longer be the Chief Executive Officer of the EPA when he gives his evidence. You may wish to suggest an ongoing senior employee of the EPA as a more appropriate witness in relation to the EPA's future intentions.

In addition to addressing the matters set out in Attachments A and B, the EPA witnesses may include in their witness statements any other matters that they consider will assist the Board in inquiring into the matters specified in its terms of reference. The witness statements should attach supporting documents such as reports and fact sheets, and include relevant maps, graphs and photographs where available.

Please provide the statements no later than Wednesday, 14 May 2014, in both hard copy and electronic form.

If you have any queries in relation to this request, please contact me on 9223 1706.

Kind regards

A handwritten signature in black ink, appearing to read "Justine Stansen".

Justine Stansen
Principal Legal Advisor

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Attachment A: Outline of witness statement from John Merritt, Chief Executive Officer

Background

1. Provide a brief overview of the EPA's role and responsibilities, and its organisational structure.
2. Identify and attach any relevant State Environment Protection Policies, including the State Environment Protection Policies on Ambient Air Quality and Air Quality Management.
3. Identify and attach the standards or guidelines against which the EPA measures air, water and soil quality.

Environmental monitoring before the fires

4. Describe the environmental monitoring undertaken by the EPA in the Latrobe Valley prior to 9 February 2014, in relation to air, water and soil quality. Include reference to the location of monitors and the substances being monitored, such as common air pollutants, fine particulate matter and air toxics.
5. Outline the case study conducted by the EPA in Morwell East in 2012-2013 to measure local impacts of air pollutants and provide a copy of the results and any report on the study.

Environmental monitoring during the fires

6. Outline the EPA's strategy in relation to the fires at the Mine, as it developed from 9 February 2014. Attach a copy of each iteration of the EPA Data Analysis and Monitoring Strategy.
7. Describe the additional environmental monitoring undertaken by the EPA in the Latrobe Valley in response to the fires at the Hazelwood Coal Mine (the **Mine**), from 9 February 2014 to date. Include reference to the locations of additional monitors, the types of monitors, when they were first put in place, and the substances being monitored. Include specific reference to any additional monitoring undertaken of volatile organic compounds and fine particulate matter smaller than PM_{2.5}.
8. Describe any additional testing undertaken by the EPA in the Latrobe Valley in response to the fires at the Mine, from 9 February 2014 to date. Include reference to ash sampling, soil testing, testing of drinking water
9. In relation to each substance monitored or tested for by the EPA in the Latrobe Valley from 9 February 2014 to date, provide the results of the monitoring and

testing, by location and date. If possible, provide graphs showing the results of the monitoring and testing over time, relative to any applicable standard.

10. Were any technical difficulties encountered by the EPA in undertaking monitoring in the Latrobe Valley from 9 February 2014, including equipment failure? If so, identify the difficulties and describe the steps taken to overcome them.
11. Provide a summary of the EPA's environmental monitoring in the Latrobe Valley since 9 February 2014. Include in this summary when, for what duration and to what extent the results of the EPA's monitoring exceeded relevant standards or guidelines, identifying those standards or guidelines.
12. What environmental monitoring does the EPA propose to undertake in the Latrobe Valley in future?
13. Provide your views on what worked well, what did not work well and what could have been done better in relation to the EPA's environmental monitoring in the Latrobe Valley before and during the fires at the Mine.

Emergency response

14. Provide a chronological account of the EPA's involvement as a support agency in the emergency response to the fires at the Mine, from 9 February 2014 to date.
15. Provide your views on what worked well, what did not work well and what could have been done better in relation to the EPA's involvement in the emergency response to the fires at the Mine.

Communications

16. Outline the EPA's communications with the community in relation to the fires at the Mine from 9 February 2014 onwards, with reference to the substance, style and mode of communication. Include in this outline the EPA's participation in community meetings in Morwell in February 2014.
17. Provide copies of all information, advice and warnings issued by the EPA in relation to the fires at the Mine.
18. Provide your views on what worked well, what did not work well and what could have been done better in relation to communications with the public about the fires at the Mine in February and March 2014.

Regulation and compliance

19. Outline the EPA's role in regulating the operation of the Mine.

20. Is the Mine "scheduled premises" for the purposes of the *Environmental Protection Act 1970 (Environment Protection Act)*?
21. Is the Mine licensed by the EPA under section 20 of the Environment Protection Act? If so, explain the scope and purpose of the licence and attach a copy.
22. Since 1995, has any environmental auditor appointed by the EPA conducted an environmental audit of the Hazelwood Coal Mine in relation to:
- (1) compliance with a rehabilitation plan under the *Mineral Resources (Sustainable Development) Act 1990*; or
 - (2) the risk of emissions from uncontrolled fire in any part of the Mine, whether disused or operational?

If so, provide a copy of the relevant audit report.

23. Has the EPA taken, or is the EPA considering taking, any compliance action against the occupier of the Hazelwood Coal Mine in relation to emissions from the fires at the Mine, including but not limited to:
- (1) proceedings for an offence against section 41 of the Environment Protection Act; and
 - (2) issuing a clean up notice under section 62A of the Environment Protection Act?

If so, outline the action taken and the basis for it. If not, explain why no compliance action is being considered at this time.

Attachment B: Outline of witness statement from Air Quality Scientist

1. Briefly outline your qualifications and experience, and describe your role at the EPA.
2. Identify the relevant standard applied by the EPA in relation to ambient air quality for:
 - (1) carbon monoxide;
 - (2) sulfur dioxide;
 - (3) nitrogen dioxide;
 - (4) fine particles as PM_{10} ;
 - (5) fine particles as $PM_{2.5}$;
 - (6) photochemical oxidants;
 - (7) lead;
 - (8) volatile organic compounds including benzene, propene, naphthalene and toluene; and
 - (9) any other substance that adversely affected the air quality in the Latrobe Valley during the fires at the Mine in February and March 2014.
3. In relation to the standard applied for each of these substances, explain the scientific basis for the standard, with particular reference to the known effects, both short and long term, of exposure to the substance on human health and wellbeing.
4. Outline the current state of knowledge in relation to the short and long term effects on human health and wellbeing of exposure to fine particles as $PM_{2.5}$ at the levels recorded in and around Morwell between 9 February and 27 March 2014. Identify any key studies.
5. Identify any gap in the scientific understanding of the effects on human health and wellbeing of exposure to fine particles as $PM_{2.5}$ at the levels recorded between 9 February and 27 March 2014 over that duration?
6. What is "fly ash"? Is exposure to and ingestion or inhalation of fly ash hazardous to human health?
7. Can the ash from the fires at the Mine that fell in and around Morwell during February and March 2014 be characterised as fly ash? If not, why not?