



Our Reference: DOC19/586816

Ms. Gail Connolly  
General Manager  
Georges River Council  
PO Box 205  
HURSTVILLE NSW 1481

via email: [REDACTED]@georgesriver.nsw.gov.au

Dear Ms Connolly,

### Discharge of Backwash Water from Carss Park Pool

The NSW Environment Protection Authority (“**EPA**”) is writing to you about the release of backwash water from the Carss Park Pool that was notified to the EPA on 2 July 2019 (“**the incident**”). The EPA understands that an unknown quantity of backwash water was released from the Carss Park Pool on 2 July 2019 and potentially on multiple prior occasions, discharging via a terracotta pipe into the Georges River.

The EPA understands Georges River Council (“**Council**”) operates the Carss Park Pool, located at 78 Carwar Avenue, Carss Park NSW. Under section 6 of the *Protection of the Environment Operations Act 1997* (“**the Act**”), the EPA is the appropriate regulatory authority for activities carried out by the State or a public authority. The EPA is therefore the appropriate regulatory authority for the incident.

The EPA considers that the discharge of backwash water from Carss Park Pool into the Georges River constitutes *pollution of waters* as defined in the Act:

**water pollution or pollution of waters means:**

- (a) *placing in or on, or otherwise introducing into or onto, waters (whether through an act or omission) any matter, whether solid, liquid or gaseous, so that the physical, chemical or biological condition of the waters is changed, or*
- (b) *placing in or on, or otherwise introducing into or onto, the waters (whether through an act or omission) any refuse, litter, debris or other matter, whether solid or liquid or gaseous, so that the change in the condition of the waters or the refuse, litter, debris or other matter, either alone or together with any other refuse, litter, debris or matter present in the waters makes, or is likely to make, the waters unclean, noxious, poisonous or impure, detrimental to the health, safety, welfare or property of persons, undrinkable for farm animals, poisonous or harmful to aquatic life, animals, birds or fish in or around the waters or unsuitable for use in irrigation, or obstructs or interferes with, or is likely to obstruct or interfere with persons in the exercise or enjoyment of any right in relation to the waters, or*

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*(c) placing in or on, or otherwise introducing into or onto, the waters (whether through an act or omission) any matter, whether solid, liquid or gaseous, that is of a prescribed nature, description or class or that does not comply with any standard prescribed in respect of that matter,*

*and, without affecting the generality of the foregoing, includes:*

*(d) placing any matter (whether solid, liquid or gaseous) in a position where:*

*(i) it falls, descends, is washed, is blown or percolates, or*

*(ii) it is likely to fall, descend, be washed, be blown or percolate, into any waters, onto the dry bed of any waters, or into any drain, channel or gutter used or designed to receive or pass rainwater, floodwater or any water that is not polluted, or*

*(e) placing any such matter on the dry bed of any waters, or in any drain, channel or gutter used or designed to receive or pass rainwater, floodwater or any water that is not polluted, if the matter would, had it been placed in any waters, have polluted or have been likely to pollute those waters.*

It is an offence under section 120 of the Act to pollute waters in New South Wales. This offence carries a maximum penalty of \$1,000,000 for a corporation and, in the case of a continuing offence, a further penalty of \$120,000 for each day the offence continues.

The EPA requires that Council undertake immediate action to prevent the occurrence of any further backwash discharge events. Failure to do so will place Council in breach of section 120 of the Act.

Further, the EPA requires Council to prepare a management plan outlining proposed backwash management procedures for the Carss Park Pool. The plan should include the ongoing storage, handling and disposal techniques proposed for the backwash to ensure that waters are not polluted, and a timetable for implementation. The management plan is to be submitted to the EPA via the *Director, Sydney Industry* at [metro.regulation@epa.nsw.gov.au](mailto:metro.regulation@epa.nsw.gov.au) by no later than **5pm on 31 July 2019.**

The EPA will contact Council in the near future to organise a meeting to discuss the incident and Council's proposed method of preventing further discharges.

If you have any questions or wish to discuss this matter, please contact me on [REDACTED]

Yours sincerely

[REDACTED]  
**A/Director, Sydney Industry  
Environment Protection Authority**

9 July 2019