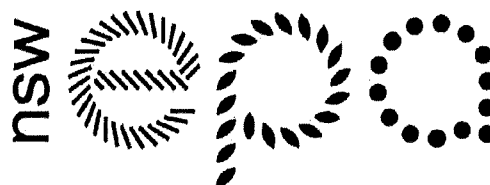


Memorandum of Understanding

2022



1. Introduction

WaterNSW is a state-owned corporation whose objectives include managing the declared catchment and controlled areas and water management works to promote water quality, protect public health and safety and the environment and bulk water supply across the state's regulated surface water systems.

The NSW Environment Protection Authority (EPA) is an independent statutory authority. The EPA is the primary environmental regulator for New South Wales. We partner with business, government and the community to reduce pollution and waste, protect human health, and prevent degradation of the environment.

Under this MoU, WaterNSW and the EPA agree to work together in carrying out their respective functions.

2. Purpose

The purpose of this MoU is:

1. To facilitate and encourage effective interaction between the parties
2. To facilitate the exchange of data and information
3. To form the basis for co-operative relationships between the parties to further the objectives of relevant legislation administered by both agencies as well as WaterNSW's Operating licence.
4. To set out effective processes and co-operative arrangements between WaterNSW and the EPA to achieve sound environmental and water quality outcomes across NSW, and especially in the declared catchment and controlled areas.
5. To document the wider range of issues and topics on which the EPA and WaterNSW engage to promote these interactions more widely within the organisations. These are listed in Schedule 1.

This MoU is not intended to create enforceable obligations on the parties, nor does it alter either party's statutory functions or objectives.

3. Term, amendment, review or replacement

The term of operation of this MoU is five years from the date of its execution. Either party may initiate the review, amendment or replacement of the MoU before this time in accordance with the requirements of the *Water NSW Act 2014* by notification and agreement with the other party.

4. Responsibilities and accountabilities

The EPA and WaterNSW will manage their activities in a co-operative and transparent manner to meet their obligations as set out in section 6(1) of the *Protection of the Environment Administration Act 1991* and section 6 of the *Water NSW Act 2014*, respectively.

*2022 Memorandum of Understanding
WaterNSW and EPA*

WaterNSW acknowledges that the EPA is the primary regulator for protecting the environment in New South Wales and will meet any obligation imposed on it by the EPA or by environment protection legislation regarding the carrying out of any of its functions.

The EPA acknowledges that WaterNSW has a regulatory role in relation to activities in declared catchment areas and controlled areas, seeking to protect and enhance the quality of water in these areas. WaterNSW's environment protection functions are detailed in Part 2 of the Water NSW Regulation 2020.

The EPA is the appropriate regulatory authority under the *Protection of the Environment Operations (POEO) Act 1997* for activities undertaken by WaterNSW as a public authority.

This MoU facilitates WaterNSW and the EPA working together to protect water quality and prevent, avoid, reduce or mitigate the effects of pollution events in the declared catchments and controlled areas as well as WaterNSW owned and managed lands across the state.

5. Regulatory framework

The objectives of WaterNSW as set out in the *Water NSW Act 2014* include:

1. the operation of water supply infrastructure to capture, store and supply water of appropriate quantity and quality to customers,
2. to ensure that declared catchment and controlled areas and water management works in such areas are managed and protected to promote water quality, the protection of public health and public safety, and the protection of the environment, and
3. where its activities affect the environment, WaterNSW is to conduct its operations in compliance with the principles of ecologically sustainable development contained in section 6 (2) of the *Protection of the Environment Administration Act 1991*.

The EPA will assess and audit where appropriate compliance with relevant environment protection legislation and requirements in environment protection licences and other regulatory instruments where the EPA is the appropriate regulatory authority.

The EPA will consider any unforeseeable emergency conditions when considering regulatory action in relation to WaterNSW.

6. Consultation processes – Interactions

WaterNSW and the EPA will maintain a Strategic Liaison Group (SLG), comprising senior representatives of each party, as the main body through which strategic matters relating to this MoU are dealt with.

The SLG will meet at least once per calendar year to consider longer-term strategic issues and policies and innovative regulatory solutions to pollution in declared

*2022 Memorandum of Understanding
WaterNSW and EPA*

catchment and controlled areas and to identify areas for co-operative research ventures. In addition, the SLG will explore strategic management and co-operation in other areas, such as land management, environmental education, enforcement and policy development.

WaterNSW and the EPA will establish and maintain a Joint Operational Group (JOG) comprising operational representatives of each party. The group will meet at least two times per calendar year to discuss topics including but not limited to data exchange, operational issues, and decisions at each organisation which might impact on land management and water quality in NSW and specifically in the Declared Catchment areas and Controlled Areas. Terms of reference will be agreed upon between representative and discussed as an ongoing agenda item.

7. Exchange of information

To enable both organisations to carry out their statutory functions, WaterNSW and the EPA will share or make available information in a cooperative manner.

The EPA, in relation to licensed premises, as defined in the POEO Act and within the catchment areas and controlled areas of WaterNSW's area of operations will provide WaterNSW with the following information:

1. Notification of the intention to issue or amend any licences, where the new licence or changes have the potential to impact on water quality and WaterNSW infrastructure.
2. Copies of any notices served.
3. Notification of significant pollution incidents with potential impacts on water quality.
4. Notification of legal proceedings instituted by the EPA.
5. Where relevant, the above information will also be provided via the EPA's Public Register as required under section 308 of the POEO Act.

WaterNSW, in relation to non-scheduled activities as defined in the POEO Act, and within the declared catchment and controlled areas, will provide the EPA with the following information:

6. Copies of any notices served.
7. Notification of any significant water pollution incidents.
8. Notification of legal proceeding instituted by WaterNSW.

WaterNSW, in relation to gas regulation (see Schedule 1), will provide water take data both on request and annually to the EPA.

WaterNSW and the EPA will consult each other, and where necessary work together, in responding to matters under the *Environmental Planning and Assessment Act 1979* where there are potential impacts on water quality within Greater Sydney's drinking water catchment.

8. Dispute Resolution

Any difference or dispute which arises between the parties under this MoU is to be referred to the SLG for resolution. Such matters unresolved by the SLG will be referred to the CEOs for resolution.

2022 Memorandum of Understanding
WaterNSW and EPA

This Memorandum of Understanding is made between the **Environment Protection Authority** and **WaterNSW** on the

4th day of October 2022.

SIGNED for and on behalf of the **Environment Protection Authority**



.....
Tony Chappel, Chief Executive Officer


.....
Witness signature



.....
Witness name

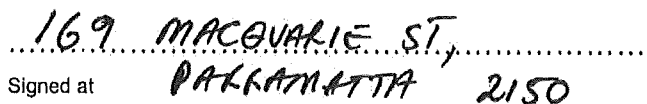

.....
Signed at

SIGNED for and on behalf of **WaterNSW**


.....
Andrew George, Chief Executive Officer


.....
Witness signature


.....
Witness name


.....
Signed at

Schedule 1

Issues, topics and areas where EPA and WaterNSW engage:

1. **Hunter River Salinity Trading Scheme:** WaterNSW provides the EPA with the environmental monitoring and modelling work for the Hunter River Salinity Trading Scheme under a specific service agreement
2. **Gas Regulation:** WaterNSW key functions in relation to gas regulation are to:
 - collect water usage information from licenced bores (groundwater extraction bores) through telemetry or meter reading.
 - provide water take figures, from water access licences at gas projects, and supporting documentation to the EPA on request and annually.
 - The EPA uses the water take data to check that Santos and AGL are complying with their Water Access Licences (i.e. not taking more water than they are allowed to).
3. **Groundwater information:** WaterNSW is the custodian of the database and the data for licenced Groundwater bores in NSW. The EPA liaises with WaterNSW in relation to its declaration and remediation of contamination under the Contaminated Land Management Act 1997 where there is suspected or actual contamination of groundwater. This requires information about groundwater monitoring bores and licences from WaterNSW.
4. **Algal coordination committees:** EPA works with WaterNSW Regional Algal Coordination Committees to prepare for and respond to harmful algal blooms in NSW. This involves attending annual pre-season briefings and WaterNSW sending weekly algal report and Alerts for each region. The EPA refers on specific reports about water quality which could indicate algal blooms for WaterNSW's information and response.

