



Blue Mountains Conservation Society Inc

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Nature Conservation Saves for Tomorrow

27 July 2017

To: NSW EPA at info@environment.nsw.gov.au
Heritage Branch, Office of Environment and Heritage
info@environment.nsw.gov.au

Cc Mr Robert Greenwood, General Manager, Blue Mountains City Council at
council@bmcc.nsw.gov.au
Mr Chris Wright, Natural Resource Management Project Officer,
Dept. of Primary Industries-Lands c/- of Mr Marwan El-Chamy at
marwan.el-chamy@dpi.nsw.gov.au
Mr Stuart Ayres, MP, Member for Penrith c/-
Rhonda.Hanbury@parliament.nsw.gov.au

Dear Sir/Madam

Former Railway Tunnel, Lapstone – ongoing storage of mushroom compost and associated waste, and resulting possible pollution of nearby waterways and groundwater

The Blue Mountains Conservation Society is a community-based volunteer organisation with over 800 members. The goal of the Society is to promote the conservation of the environment in the Greater Blue Mountains region. The Society is seeking to formally lodge a pollution report to the NSW EPA in relation to the use of Lapstone Railway Tunnel for storage of mushroom compost and associated waste, resulting in possible pollution of nearby waterways and groundwater. The Society also believes there has been a potential breach of sec 57 of the *NSW Heritage Act*.

Background

The Lapstone railway tunnel was constructed in the 1890s and is made up internally of brick with a cement floor. It is approximately 660 metres in length, passing beneath the ridge below the Great Western Highway at Lapstone (see attached map). The western end, which is the main entry point, is located near the boundary of Knapsack Reserve. The eastern end is located near Railway Reserve/Darkes Common.

The tunnel is located in a bushland area directly adjacent to the Blue Mountains National Park. The tunnel is also listed on the State Heritage Register due to its heritage significance (see <http://www.environment.nsw.gov.au/heritageapp/ViewHeritageItemDetails.aspx?ID=5061088>)

The tunnel and the surrounding land is mainly Crown Land managed by the Department

of Industries-Land. The use of the tunnel for the railway ceased in 1913 because the rail was too steep and the tunnel had a significant seepage problem, which kept the rails too wet and caused trains going up through the tunnel to slip and stall.

The tunnel and surrounding area has been leased by the NSW Government for a number of years for mushroom growing. The immediate past leaseholder vacated the site in 2015. When the site was vacated by the last leaseholder, the site and tunnel was left in a disastrous state, with dilapidated sheds, buildings, old machinery, refuse from compost growing and other material left in situ. The area was also over-run with weeds. Department of Lands representatives have told Society representatives that there is an estimated 90 tonnes of old mushroom compost material left in the tunnel.

The Department of Industry - Lands is responsible for the remediation and clean-up as the land owner/manager. On enquiring as to why the previous leaseholder was not required to clean up and remediate at the end of the lease, the Department of Lands representatives have told Society members that due to lease management issues, the Department could not identify whether the waste and other material was left by the immediate past leaseholder, or prior leaseholders, as detailed inspections were not undertaken at the end of each lease.

Remediation and clean-up: land surrounding the tunnel

The Society and other community representatives have had a number of meetings on-site with staff from the Department of Industry-Lands about clean-up and remediation of the land surrounding the tunnel. Copies of correspondence following these on-site meetings are attached.

Significant progress has been made in terms of clean-up on the land surrounding the tunnel. The on-site toilet facilities, sheds, chemical storage facilities, compost waste and much of the machinery and so on have been removed. Some weed removal and bush regeneration activities undertaken by Blue Mountains City Council on contract to the Department has also occurred. The community and the Society appreciate the efforts of the Department in terms of the progress of clean-up and remediation outside of the tunnel.

However, a recent inspection in July 2017 found the following:

- Illegal access to the tunnel is still occurring (see attached photos), as is continued graffiti of the tunnel and surrounding area. While some security works such as gating, fencing and locks have been installed in the last 12 months, it has not been sufficient to deter illegal access. More durable, robust and effective security measures are required to prevent illegal access into the tunnel, as well as the installation of new health warnings signs and implementation of adequate security measures to deter illegal access, including installation of covert cameras and associated signage.
- Old machinery and rubbish still remains on site (see attached photos). This has encouraged further illegal dumping (see attached photos).
- A considerable weed problem remains (see attached photos). Weeds which have been killed remain in situ and have not been removed. Additional weed and bush regeneration is required.
- The soil appears to be contaminated with crushed rubble and small pieces of plastic and metal.

Remediation and clean-up: inside the tunnel

During the on-site inspections undertaken by Society and other community representatives, access and inspection of inside the tunnel was limited to the first 10 metres, as further access and inspection was not permitted by the Department of Industry-Lands due to the waste and asbestos risk. The Society was originally advised that funding for clean up and remediation works could possibly be confirmed as early as January 30th 2017, but if not sometime post July 2017. However, the Department of Lands representatives have recently verbally advised the Society that no clean-up and remediation has yet commenced inside the tunnel, which is a major challenge as there is an estimated 90 tonnes of mushroom compost, as well as machinery and other waste, left inside.

As the Society has not been able to enter the tunnel we have had no idea of the level of waste material present, how it was being stored and any potential for negative impacts on the environment. However, the Society has recently come across photos on the internet, taken by a local photographer who illegally entered the tunnel in April 2016. It should be noted that the Society has no association with this local resident. The photos and description of what the resident found can be seen at:

<http://photomofo.myphotojournal.com/2016/apr/14/shroom-farm/>

It is important to note that the photos from the above website taken of the area outside the tunnel do not represent the current situation. The on-site toilet facilities, sheds, chemical storage facilities, compost waste and much of the machinery, as noted above, has been removed. What is of key concern to the Society are the photos taken inside the tunnel, and the description of what the resident found. While the photos were taken in April 2016, based on advice from the Department as outlined above, the Society believes the current conditions inside the tunnel are the same now as in 2016.

Key photos are attached and an extract from the website follows:

So we set off into the darkness with no idea what we were going to encounter. ... Stacked down the sides to the tunnel there were old fridges, forklifts, trolleys and whole pallets of 2 litre jars. Why jars? There were lots of ladders, wire crates, fans and about 50 column heaters (which in my opinion would have been probably the least economical way to heat a tunnel).

..The concrete floor was covered with water and sludge. It was pitch black and dank and smelled rather musty and organic. The further in we got, the more the humidity rose. It wasn't overly warm in there, just humid and dank.

... What's with all the bags and plastic? I had never actually seen a mushroom farm before, but I seriously wasn't expecting that! I was maybe expecting trays of substrate or maybe even a giant mound... not plastic tubes though.

... Not only were they grown in plastic, they were grown in single use plastic, and it was being dumped in a giant pile at the end of the tunnel. When I say a giant pile, I mean freaking huge pile of approximately 200+ one ton bags of industry waste that were piled up high at the end of the tunnel. ...This was quite possibly one of the most disgusting things I've done in my entire life. We were clambering over these massive bags of waste with the goal of reaching the other end of the tunnel, there were creatures scuttling out of the bags and the further we went, the worse it smelled. The bags were coated in spider webs, thick creepy spiderwebs and everything was coated in dew, because down this end of the tunnel it was both warm and humid to an extreme, we could actually see the humidity, it was like a fog. ...

... Then there was sludge. Smelly, disgusting, sludge. Probably about knee height, but we weren't going to test it. We stood in disbelief unable to cross the revolting cesspit that lay before us. We were so close, we could see the light at the end of the tunnel, but it was severely overshadowed by the horrendous environmental impact of what we could see and smell. Standing in silence, we could hear a waterway, my heart broke.

The water flow is such that the run off from the industry would be flowing indirectly into Glenbrook creek... years of nutrients and chemicals, sediment and industrial waste being fed into a native, "protected" eco system that isn't naturally equipped to deal with such. It would have affected the water quality and the biodiversity of plant and animal life on a scale higher than anyone will be willing to admit, because something should have been done about this a long long time ago.

The description and photos of the amount of waste found, how the waste was stored (ie not contained in any way), and the level of water inflow and sludge in the tunnel (noting the tunnel was discontinued as a railway tunnel due to water inflows), defies belief. The Society can only concur with the writer – the mushroom compost and other waste in the tunnel represents a major environmental risk, a risk which until the Society uncovered the website referenced above, was largely unknown to the Society and the community.

Current situation

Verbal advice from the Department of Lands representatives indicates that an internal funding bid for 17/18 for further clean-up and remediation on the land surrounding tunnel, as well as commencement of the clean-up and remediation work within the tunnel, was unsuccessful. As a result, the Society understands no funds currently have been allocated by the Department for further remediation and clean-up, and as a result no further clean-up or remediation work is scheduled to occur until at least July 2018.

The Society believes that this is totally unsatisfactory, and that the ongoing storage of mushroom compost and other waste material in the tunnel and surrounding area represents a pollution risk to nearby waterways and groundwater. The ongoing storage of the mushroom compost in the tunnel also represents unauthorised storage of waste. As a result, the Society believes that breaches of either sec 120 (Pollution of waters) and/or sec 144 (Use of place for a waste facility without lawful authority) of the *Protection of the Environment Operations Act* either have, or are likely, to occur.

The Society also believes the compost material and other waste remaining in the tunnel, as well as in the surrounding area, is a potential breach of sec 57 of the *NSW Heritage Act* (section 57 states it is an offence to damage or despoil a State Heritage listed place).

Given the ongoing lack of durable and effective security being installed at the tunnel entrance, and the continued evidence of illegal entry into the tunnel by members of the public, the tunnel also represents a risk to public health and safety. Asbestos is known to occur in the tunnel and the sludge and compost waste represents an unknown health risk for anyone entering the tunnel. The current health warnings signs are inadequate.

We therefore ask that the EPA:

- Immediately investigate whether the dumped material and compost waste in the tunnel and in the surrounding area is resulting in pollution of nearby waterways and groundwater.

- Issue a clean-up notice under sec 92 of the *Protection of the Environment Operations Act*, requiring the Department of Industries-Land to remove all compost, asbestos and other waste from the tunnel and surrounding areas, and undertake suitable site remediation, including weed removal and bushland regeneration. The clean-up notice should require that the clean-up commences urgently given the high pollution risk and is completed within 12 months. The notice should also require ongoing water quality testing until the site is remediated.
- Require the Department of Industries-Land to immediately undertake soil contamination testing to ensure that the land surrounding the tunnel subject to mushroom composting activities is not contaminated, as well as undertake water quality testing of nearby watercourses, and make the results of the testing publicly available.
- Require the Department of Industries-Land to install durable, robust and effective security to prevent illegal access into the tunnel, install new health warning signs and implement adequate security measures to deter illegal access including installation of covert cameras and associated signage.

The Society also asks that the Office of Environment and Heritage investigate as to whether a breach of sec 57 of NSW Heritage Act has occurred.

The Blue Mountains Conservation Society would like to be kept informed in writing by the EPA and the Heritage Office on the progress of any investigation.

If you have any further queries in regard to the above or require further information, please contact me.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Madi Maclean', followed by a period.

Madi Maclean
President
Blue Mountains Conservation Society
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Map showing location of the tunnel and nearby watercourses



July 2017 Outside the tunnel: photos showing weeds, and rubbish and old machinery still on site







July 2017 Photos showing inadequate health warnings signs and inadequate security measures enabling illegal access to the tunnel





Small selection of photos taken inside the tunnel in 2016 from
<http://photomofo.myphotojournal.com/2016/apr/14/shroom-farm/>







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