

## Inquiry into costs of remediation of sites containing coal ash repositories

### Treasury Responses to Questions taken on Notice (Public)

16 OCTOBER 2020

#### Question 1

**Ms ABIGAIL BOYD:** Under those contracts, has Treasury been contacted by an operator about a pre-existing contamination claim prior to them telling the EPA?

**Ms ALEXANDER:** I do not think so. I do not think so.

**Ms ABIGAIL BOYD:** Do you need to take it on notice?

**Ms ALEXANDER:** I can take it on notice and check.

**Ms ABIGAIL BOYD:** Thank you.

#### Answer

The Sale and Purchase Agreements (SPA) require the operators to notify the State of any claims that may trigger the indemnity under the SPA. These requirements do not override any other statutory requirements that the operator has to notify the EPA of any pollution or contamination incident and cannot prevent the operators from first notifying the EPA of any incident if they are required by law to do so.

Treasury has no specific knowledge of the exact time period in which an operator may have contacted the EPA and whether this was before Treasury was made aware by the operator of a potential claim.