

## **FISH KILL FINDINGS VALIDATE COMMUNITY VERDICT ON VALES POINT: NSW EPA to prosecute Delta Electricity over Mannering Park fish kill**

Reports that the NSW EPA have commenced prosecution of the owner of the Vales Point power station in the NSW Land and Environment Court over its role in the Mannering Park fish kill are welcomed by Lake Macquarie and Central Coast residents with long-running frustrations over the environmental impacts of the power station and its sloppy compliance record.

Residents of Mannering Park and citizen scientists with HCEC who witnessed hundreds of dead mullet, bream, bat fish, whiting and multiple juvenile white-spotted eagle rays in Wyee Bay on two separate occasions in August and September of 2022 [immediately pointed to the Vales Point power station's cooling-water outlet as a suspected source of contamination](#) leading to the deaths.

An exclusive report in the [Newcastle Herald published today](#) states that the EPA investigation found that a “faulty valve that caused a discharge of concentrated sodium hypochlorite into waters leading to Wyee Bay.” was the cause. Sodium hypochlorite is a chemical compound containing chlorine.

The Herald reports that “The Land and Environment Court prosecution alleges that Sunset Power International Pty Ltd trading as Delta Electricity failed to maintain its chlorine dosing plant in a proper and efficient condition” and that “.Delta could have prevented the fish kill if they had adequate equipment and processes in place.”<sup>1</sup>

**Mr. Kel Wynn, a former commercial fisherman on Lake Macquarie for 40 years said,** “We didn’t ever have fish kills until the [Vales Point] power station started operating.”

“This is a truly momentous result and I’m elated that EPA are finally holding Delta accountable.”

**Spokesperson from the Hunter Community Environment Centre, Ms. Jo Lynch said,** “We congratulate the NSW EPA on the completion of its investigation and welcome wholeheartedly the news Delta Electricity will have to face up to its negligence in court over this entirely avoidable incident.”

As well as clarity over the cause of the fish kill, the NSW EPA’s findings validate long-running concerns held by many residents of southern Lake Macquarie, that Sunset Power International does not take its responsibilities to the community or the environment seriously.”

Community members who saw for themselves the severity of this unacceptable oversight can be assured that Delta Electricity will be subject to the legal scrutiny they have earned through complacency and a failure to maintain equipment which led to the regrettable and entirely preventable loss of marine life in the estuary that is the lifeblood of the community.”

**Mrs. Julie Hopley, Mannering Park resident and first responder to the fish kill said,** “I’m very concerned about our Lake’s health.

Someone needs to be made accountable for the damage and deterioration that we’ve witnessed over the decades and we must take steps to get back the beauty and health of these natural resources so they continue on for our children and grandchildren to enjoy.”

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<sup>1</sup> <https://www.newcastleherald.com.au/story/8337597/epa-launches-prosecution-over-vales-point-fish-kill/?cs=305>

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[Image gallery](#)

## **BACKGROUND**

- In August and September of 2022, two major fish kills occurred in Wyee Bay sparking the criminal investigation of Delta Electricity by the NSW Environmental Protection Authority which concluded with today's announcement.
- [Footage](#) of the first event showing Delta Electricity staff scooping dead fish and other marine life into a boat and loading the back of a company ute with the carcasses was captured by a local resident
- The first investigation concluded the event was due to natural factors, with results suggesting that due "...the combination of the temperature and sulfide stress likely overwhelmed fish, acclimatized to higher temperatures"<sup>2</sup> and a Smart Buoy was deployed in the bay to continuously monitor conditions.
- In May 2023, HCEC released a detailed report on the impacts of Vales Point power station and associated mines operated by Delta Coal, publishing [documents obtained under GIPA](#) which revealed that Delta Electricity is licensed to add 1200kg of chlorine to the cooling water system daily.
- Chlorine concentrations at the cooling water outlet are generally below 0.2 mg/L, they are regularly found between 0.1 and 0.2ug/L, well above the concentration found to adversely effect fish larvae.
- Since the privatization of Vales Point in 2014/15; 11 Environmental Protection Licence (EPL) breaches have occurred for water pollution and coal ash dust, seagrass in Wyee Bay has all but disappeared due to excessive thermal pollution and metal contamination of off-site groundwater has been identified.<sup>3</sup>

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<sup>2</sup><https://www.epa.nsw.gov.au/working-together/community-engagement/updates-on-issues/mannering-park-lake-macquarie-fish-kills>

<sup>3</sup> [Delta's dirty deeds: done dirt cheap. HCEC. May 2023](#)