

**Examining the future task of Victoria's Environment Protection Authority
Questions from the Discussion Paper**

Name of respondent: Hume City Council

1. Do you think the key environmental challenges which will impact the EPA in the future have been captured? Are there any others?

- In relation to climate change, a future EPA could consider whether there is a role for the organisation in relation to heat island impacts and general exposure to health risks in heat waves and high temperatures, for example heat dumps from building HVAC systems that impact on thoroughfares.
- The EPA needs to be open in identifying any new environmental challenges that may occur in the future and implement controls to reduce the risk to the environment and public health.
- Managing stakeholder's expectation and articulating the role of the EPA to the community and other agencies.
- Ensure that the work of the EPA is guided by the principles of the *Environment Protection Act 1970* (intergenerational equity; conservation of biological diversity and ecological integrity; improved valuation, pricing and incentive mechanisms; shared responsibility; product stewardship; wastes hierarchy; integrated environmental management; enforcement; accountability). Conservation of biological diversity and ecological integrity, integrated environmental management and intergenerational equity need greater focus in the future.

2. What aspects of the EPA's work do you value and wish to preserve in the future?

- Providing guidance notes and other associated material.
- Maintain the *science and engineering* capability and provide technical expertise in relation to pollution incidents, hazardous materials impacts etc.
- The collective corporate knowledge of managing enforcement and regulation activities; history of site contamination and clean ups.
- Working collaboratively with local government.
- Working with and regulating different industries that have the potential to pollute.
- The description in the EPA 5 Year Plan 2011-2016 of the EPA as *an influential authority on environmental impacts* has been tarnished due to under resourcing and an inability by the EPA to fulfil this role. The community and government values and needs the EPA to act with influence, and in not doing so this has resulted in a lack of confidence from the community and government.
- The ability to impose penalties for non-compliance is a key strength of the work of the EPA. Local government and the community rely on this ability of the EPA to hold offenders to account for their actions, to seek recompense for offences, and to maintain a confidence in the ability of the legislation and penalties to deter would be offenders. In Hume the involvement of the EPA in pursuing offenders in relation to illegal landfilling has been variable, and Council is often left not knowing whether the EPA will commit resources to an enforcement case.

3. How can the EPA effectively work in partnership with other government agencies to meet the environmental challenges of the future?

- Working more closely with other government organisations (Local, State and Federal governments) to implement new ideas/ technologies/programs to better protect the environment and public health.
- Provide a quarterly agency report, and proactively partner with other agencies
- Increasing on-ground staffing levels will allow the EPA to effectively regulate industry. Within Metropolitan Melbourne the presence of only 23.15 full time staff is in stark contrast to the economic benefit derived from potentially contaminating and polluting industries. A levy applied to all potentially contaminating industries to regulate their impact on the environment may be a way to resource additional staff.
- Extending the shared responsibility for environmental protection so that the EPA plays a support role or is a partner to regulation and enforcement enacted by local government. This could be in the form of providing technical advice, case studies, or joint enforcement/ regulation activities.
- Recognising the role local government and others play in regulating environmental values (Table 3) in particular:
 - a. Water quality – local government and water authorities play a key role by regulating water pollution from construction sites (via, for example, the use of Construction Site Environmental Management Plans). The EPA currently does not play a role in the regulation of sediment and pollution from large scale greenfield development.
 - b. Biodiversity and natural resources – whilst the Department of Environment Land Water and Planning regulates biodiversity and natural resources, local government now regulates most small scale impacts on this value.
 - c. Climate change – local government implements a wide range of climate change adaptation, mitigation and engagement programs.
 - d. Environmental sustainability engagement programs – most community based and business based environmental sustainability programs are now run through local government.

4. How can the EPA's role in safeguarding the community against the health impacts of pollution be clarified or strengthened?

- As per the point in question 1 – there could be a role in regulating against urban hot spots that present health risks.
- Increasing officer numbers to cater for complaints/enquiries that have been raised by the general public.
- Being proactive in the response to customer complaints; not waiting for multiple complaints prior to conducting an investigation.
- Implementing an effective enforcement policy/framework and also developing an MOU with other agencies, particularly local government.
- Incorporating an environmental justice approach to protecting public health that includes consideration of both intra- and inter- generational equity.

5. How could environmental regulation and other statutory frameworks more effectively prevent future environmental risks and land use conflicts?

- By becoming involved with projects that may cause an issue to the environment or public health by setting guidelines during the planning stage of the project. Be involved with projects from cradle to the grave and be proactive with the various processes put in place to improve the outcome to the environment and public health.
- Collaboration with local government Environmental Health Officer and Town Planners during the initial stages of new applications.
- Ensuring transparency in decision making and when providing advice, acting as *an influential authority on environmental impacts* within the land use planning process (engaging with other state agencies and departments such as the Metropolitan Planning Authority or DELWP), and being involved early in any land use planning processes.

6. What role should the EPA play in emergency management?

- Participate in and prioritise emergency management responses where environmental and environmental / public health impacts are likely to arise. Such incidences are likely to increase in frequency and severity as a result of climate change and will have significant resource implication for the EPA and other organisations.
- Testing and monitoring polluted areas that have been affected by an emergency and notify the community of any potential hazards to the environment and public health.
- Providing information and support to lead and support agencies during an emergency in relation to public health and environmental health matters. Be required to and accountable for providing information.
- In the event of accidents, where there are environmental impacts due to chemical or substance spillage or contamination, continue to provide the responding lead authorities with authoritative, science-based advice; appropriately communicate scientific information to decision-makers and the community.
- Act as the lead authority following an emergency event where an investigation is required into a possible breach of legislation/ regulations and where enforcement or cost recovery is warranted.

7. How can the EPA better identify and, where necessary, address problems that are the result of past activity?

- Utilising a GIS mapping system to identify problem areas, old flyover maps and data to identify any potential contaminated sites, and liaising with landowners, Local, State and Federal Government authorities, and community groups to identify existing sites.
- Implementing programs where other agencies and levels of government are consulted before any licensed/works approvals and renewals are issued.
- Work with industry and other levels of government to develop a plan of management for reuse, recycling or disposal of new technologies that may present future environmental hazards.
- Develop and maintain a proactive, collaborative relationship with local government, the community and industry to discuss potential problems and predict and plan for environmental and public health impacts.

8. What can the EPA do to minimise hazards for the future?

- Restrict the use of, regulate, find a suitable source of disposal or treatment or ban items that have the potential to cause environmental or public health hazards.
- Keep up to date with new and emerging issues both locally and globally.

9. What role should the EPA play in improving environmental outcomes beyond those necessary to safeguard human health?

- Compliance of licenses. Issue Pollution Abatement Notice's for non-compliance. Consider other forms of treatment that may improve an environmental outcome. Banning hazardous materials.
- Play a lead role in determining environmental indicators, and appropriately planning for and addressing human health and environmental objectives.
- Consider the ecological impact of multiple pollutant sources on the environment when setting safe discharge limits (for example, current research shows that while LD50 testing is useful in setting ecological tolerance for some species it is the combination of different chemicals at much reduced concentrations that can cause significant impacts to species. This is particularly important as an increasingly urbanised environment has resulted in many species being listed under the *Environmental Protection and Biodiversity Conservation Act 1999* having to contend with storm water pollution (e.g. Growling Grass Frog and Dwarf Galaxias)). The acceptance of source pollution or not should have to pay regard to flora and faunal species listed under state and federal legislation.

10. What role should the EPA play in reducing greenhouse gas emissions?

- Considering a role for the EPA in greenhouse reduction must be done in the context of changing policy at the state and national levels.
- The Environment and Resource Efficiency Plans (EREP) program was effective and achieved significant greenhouse gas reductions from the Commercial and Industrial sector and given the short life of the Carbon Price, EREPs discontinuation has resulted in a significant gap.
- Consider trigger mechanisms for proportional reduction requirements for large Victorian emitters; if these are not achieved through other policy mechanisms then EPA regulations and support services should take effect.
- Work with other departments and agencies at all levels of government and industry to reduce emissions via a regulatory approach. Bring the history and experience of the EPA in reducing greenhouse gas emissions from industry to current discussions and reviews.
- Be proactive in introducing alternative means to reduce the production of greenhouse gas emissions.
- Advocate to state and federal government for incentives for businesses that reduce greenhouse gas emissions, or impose a levies schedule on emissions.

11. How do you see environmental justice being applied to the work of the EPA?

- Include Environmental Justice principles into the EPA's restorative justice program. For example where fines are redirected to positive community benefits – programs or expenditure that prioritise

disadvantaged members of the community could be considered. Energy and thermal home retrofits for low income households is one example.

- Ensure that participatory justice is given a higher priority. As per the point in question 4, take complaints seriously and be responsive to complaints from the community. Continue to act on behalf of the community even where no complaints have been received.
- Review the current Environmental Citizenship Strategy providing engagement and consultation with all agencies and stakeholders. The strategy should have a vision and be outcome based with actions being tangible.
- Moving from a '*complaint response*' model to one that allows for more strategic and integrated interventions is a welcome change. Some of the most disadvantaged communities may not know to or have the skills or resources to make a complaint.
- Use the local expertise and knowledge of the community to help solve local issues. The community often has a long history of site use, pollution issues and the ability to research practical solutions, and this should be given appropriate weight in decision-making processes.
- Regard the community as an ally in preventing, reporting and solving issues of environmental and public health impact.
- Distribute more of the revenue raised from the EPA landfill levy to local government to assist councils to develop and implement waste management, recycling, resource efficiency and sustainability programs. Hume City Council is forecast to contribute \$2,783,920 to the landfill levy in 2015/16 alone. This is significantly more than the \$182,000 (total) received by Hume from the Sustainability Fund (from 2012 to 2015) to build a drop and sort pad at Riddell Road Landfill in Sunbury (\$169,500) and a kerbside organics education program (\$12,500).

12. What can we adopt from other regulators and regulatory models to implement best-practice approaches and ensure that the EPA can rise to key future challenges?

- Trial programs that have already been implemented or are in the process of being implemented by the EPA or other departments; continually monitor and improve the outcome to help protect public health and the environment.
- Conduct an analysis and evaluation of national and international regulatory models.
- Consider whether a risk based approach in Victoria has been effective.

13. Are there any other issues relevant to the Terms of Reference that you would like to raise?

- Be open minded – consider technologies used locally or globally that could, if implemented, have the potential to improve the environment and public health (for example, reduce the reliance on landfills by assisting in the development of Waste to Energy Plants).
- Point 3 of the scope is to consider the EPA's appropriate role in protecting the environment.
- The role of the EPA must be clarified for all stakeholders – government, community and industry. This will make clear the approach that will be taken to addressing issues of human health and environmental risk, issues that fall within the scope of the EPA to address.

- Consider developing a Memorandum of Understanding between the EPA and other agencies (including local government) that clearly defines the role and objectives of the lead agency in investigating environmental and public health issues.
- Address the significant impact caused by privately run skip bin / waste recovery operators.
- As per the point in question 1, the scope of the matters that the *Environmental Protection Act 1970* addresses is not covered by the regulatory compliance mechanisms within the EPA. In particular the principle of conservation of biological diversity and ecological integrity are not addressed.
- The EPA should take a greater role in regulating and enforcement of water pollution in collaboration with local government and other agencies.
- Two examples that illustrate issues of inadequate response by the EPA within Hume are outlined below.

Hume City Council – example one:

- A Council reserve required a works approval from EPA for a septic tank system with a daily discharge of over 5000 Litres/day. Staff from council's Public Health Unit made several attempts over a six month period to contact the EPA *water and catchment unit*, leaving numerous messages on 9695-2629 and via the EPA website to no avail.
- Some time later Hume staff contacted the EPA by phone. Unable to speak to an EPA Field Officer, the Customer Service Officer gave an assurance that someone from the works approval team would contact Council to discuss the matter.
- A week a lapsed, and another phone call was made to the EPA, and once again the Council officer was unable to speak to an EPA Field Officer. A request was made to speak to CEO; whilst this request was not received well by the Customer Service Officer, the circumstances relating to the issue and the extremely poor response were clearly articulated. The call was later put through to the CEO's administration team.
- Council then received a phone call and an email within a couple hours of raising this issue with the CEO's administration team. An onsite inspection was conducted by an EPA officer. The level of service received was excellent. However, this level of service appears to have been provided due to the matter being escalated to the CEO.
- The matter is currently being managed by the EPA.

Hume City Council – example two:

- Council has notified the EPA on numerous occasions of illegal industrial disposal sites, waste recycling and waste transfer stations operating within rural and industrial land in Hume; the response from the EPA has not been adequate. One specific recent example is outlined below.

- Local community members notified the EPA of a significant and ongoing skip bin operation on a property located within the green wedge zone.
- The property continued to act in contravention of the provisions of the *Environment Protection Act 1970*, and the community members contacted their local member of state parliament a number of times to seek resolution of the issue by the EPA.
- Given the clear legal responsibility of the EPA in this matter, Council and the community expected that the EPA would investigate and resolve it.
- No adequate clean up or cease works response occurred as a result of the EPA inspection and processes.
- The site remains in a very poor condition with substantial industrial waste still present on the land 16 months later. It is unclear what the EPA intends to do to enable the remediation of this site.