

SUBMISSION to the INDEPENDENT INQUIRY into the EPA

Wednesday 7th October 2015

Kanagulk Landcare Group members have often commented that the EPA is a ‘Toothless Tiger’.

1) EPA should be proactive and not just reactive.

- a. Dust monitors at the Iluka Douglas mine site were put in the wrong places – based on SE prevailing winds when the prevailing winds at the site are clearly W to SW. When this was raised at ERC meetings, the EPA should have ordered Iluka to either change sites for the dust monitors OR add more, in the correct sites.
- b. Iluka was allowed to change to a system of dust monitoring 1 day in 6, because the monitoring previously had not shown up significant dust deposition. (because the monitors were in the wrong place!) Therefore key dust events were missed! The EPA should not have allowed this.

2) Relationship between the different regulators, such as Energy and Resources, EPA and DHHS.

- a) There needs to be a link between these departments that can be SEEN by the public.
- b) There needs to be a mechanism whereby one department can ask a question and challenge the findings of another department to get the best outcomes for the natural environment and for the health and safety of the local community. ie the departments need to be able to work together in a collaborative way to get a positive result for the environment and community safety.
- c) There need to be protocols developed so that one department cannot have ascendancy over another. (ie no bullying tactics.)

3) How does EPA decide when to act? Representatives of EPA came to ERC meetings regularly. They made notes. Presumably they put in a report. BUT NO ACTION despite hearing about dust monitors in the wrong place etc etc. There need to be better regulations / guidelines to get prompt action where necessary. Volunteers such as Kanagulk Landcare Group members should not have to make a formal complaint to get action, if issues have been raised at an ERC or similar meeting.

- 4) **RADIATION.** DHHS has traditionally dealt with radiation because radiation has traditionally been a human health issue. Now that we are dealing with radiation in the environment, as per mineral sands mining waste, the EPA needs to deal with it or at least have a greater say re radiation. Problems with Iluka: If DHHS signed off on an Iluka action, Energy and Resources Department could not stop or question the action. EPA needs to take a holistic view of the environment and community health and safety.
- 5) **SKILLS and ATTITUDE in EPA STAFF.** I note that EPA was very good at arranging a community information day, helping to run a 20B conference, arranging an excellent facilitator for the 20B conference, getting an excellent report from the facilitator. BUT has the EPA the skills in analysis of situations, putting in place conditions that are binding and then enforcing those conditions?

I read the facilitator's report from Wyndham Council application to expand its waste facilities at Werribee. I felt it was an excellent report, but the outcome would depend on what EPA did with the report. Some weeks later, I asked one of the respondents what had come of the community's concerns and he replied: "Nothing!"

Hence I am concerned about the outcome of Iluka's application to the EPA for a Works Permit to dump concentrated radioactive waste in pit 23 for the next 20 or more years.

There needs to develop in EPA a culture of standing up to the bully boys (and girls) in industry, state government and local government. ie there needs to be a culture of supporting fellow staff who are actively doing this; it is not easy and it is very difficult to do alone.

- 6) **Re the article on page 2 of "The Age" Monday 5th October 2015: "Officials 'coached' miner in quarry row".** The article made it clear that Energy and Resources Department staff had coached a company as they went to VCAT. Accept the VCAT ruling; later this department can change the ruling without going back to VCAT. This, I believe has implications for the EPA. Could EPA staff do the same? If EPA staff disagree with Energy and Resources staff actions, is there a way of getting a just outcome for the natural environment and the health and safety of a local community?

7) **Is EPA a 'Toothless tiger'?**

The whole regulator thing is very frustrating for a local community seeking the best outcome for their district. NOONE among the regulators seems to have wanted to support local people and the natural environment.

They SAY they do.

However actions speak louder than words.

It is INACTION that shouts the true message loud and clear.

I had thought the EPA would have actively supported the natural environment.

BUT the various State Governments over the last 15 years seem to have told their departments to encourage industry and jobs WITH NO THOUGHT ABOUT THE NATURAL ENVIRONMENT.

The EPA HAS TO BE GIVEN TEETH.

The EPA HAS TO EMPLOY PEOPLE WHO CAN USE THOSE TEETH.

The EPA HAS TO DEVELOP A CULTURE OF SUPPORTING THOSE WHO ARE USING THOSE TEETH.

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President Kanagulk Landcare Group, but please note I am making these comments as an individual, as I have not had time to consult with the Kanagulk Landcare Group.

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