

## **Submission to the enquiry into the Environmental Protection Agency**

### **submitted by Max Fehring, community individual, Cohuna Victoria**

I would like to take the opportunity to make a personal submission to the enquiry being conducted on the EPA, its structure and its role within the community of Victoria.

It would be fair and reasonable to say that I do not have a complete understanding of the EPA other than it does carry out a very important function at various levels of our society and has a lot of implicit powers in control over people communities businesses and industries.

It seems appropriate that we do have an enquiry as when an organisation such as the EPA does have these powers. Having not been reviewed for some period of time the organisation such as EPA do have a tendency to become somewhat remote from the community and exercise powers of administration over others in most cases, often with little regard to the community as such .

Having read through quite a bit of the material that is on the enquiry website and tried to access some of that with some difficulty I is not quite sure what the enquiry is aiming to do. In some areas I feel it seeking the answers it wants, to say all is okay let's continue on with life and EPA near perfect. The simple answer is **not so** , the EPA is far from that in many areas particular way in which it treats ordinary people and organisations. Particularly those who do not have a lot of resources to push back against some of the imposed rules and regulations that EPA wishes to enforce or impose on people.

### **Statement of principle of operation**

There is a need to reset the principles of the organisation so it becomes a more inclusive organisation and is working for the interests of all people in Victoria in cooperation with these people.

It needs to be stated clearly that the EPA is a servant of the people of Victoria not the people of Victoria subservient to it. This is a lot about culture which I think the organisation has lost sight of the best way forward in an ever-changing world. Now requiring dealing with a lot of complexity, partnership, education, upfront cooperation, innovation of ideas on where required enforcement of rules and regulations, only then resorting to penalties as a last resort.

Somewhere along the line I believe that EPA gone for penalties first and EPA then work backwards, with varying degrees of success and commitment. EPA is dealing with a wide section of community which in many ways ,plus such a diversity of views. The EPA at all times must be fair and reasonable and not be judgemental at any point until the necessary investigations, assessment and discussions have taken place.

At all-time it should remember that people are its customers, clients and the people who pay in all various ways for the operations of the EPA. It is been given rights and the privilege to serve the people of Victoria via legislation but always needs be conscious that it should not abuse that privilege by dominant role and attitude.

Good governance and a commitment to the community in a whole range of ways, also using the knowledge that they have allowed them to be listened to would be a good starting point.

Although I don't have a lot of examples I do understand how the Gannawarra Shire and Councilors were handled and treated, when dealing with the closing of old refuse pit sites. The EPA simply believes that the ratepayers and the community had buckets of \$'s to spend forever and a day to gold plate pit sites out of all proportion to the problem being dealt with. Also the consultation process always had the Council in a weak position to negotiate.

There needs to be review of the consultancy processes that are used by the EPA, it appears that EPA lost its corporate knowledge and is relying on others to provide that in many ways. That's okay if the knowledge base is equal on both sides of a discussion and that knowledge and expertise are being provided at a competitive prices and there is a market available to test out what is a competitive price and expertise being offered. It appears in many ways has become a closed shop for consultants in this area, the number required to look over a job that the EPA asked for is excessive, has a habit of going on forever create strong feeling formed that the EPA lacks enough knowledge to know whether a proposal is a reasonable solution or not.

I don't want an organisation for the bureaucrats continually creating work and jobs themselves at the expense of the community, should aim to have a committed group of skilled people that bring the best results for the community and the environment which we all seek to maintain and improve where possible.

Living here in Rural Victoria we are constantly bombarded by people from outside our community expecting the environment however that's determined to be the Rolls-Royce or greater, when in fact they come from the city are other places with the environment has been totally altered, in a lot of cases shipping out there waste to areas in which we live which then makes more feel good. We need to have more open and honest discussion about all aspects of how we handle created waste which communities derive benefit from in the goods and services they demand and use, but don't want to know about the disposal problem too often.

### **Disposal of septic waste from septic systems not connected to sewage systems**

This is an issue that I've been dealing with the some 12 months to nearly 2 years now and try to get a resolve to an issue with the EPA, who sought to penalise the person disposing of the septic tank waste but not offering any solutions at all.

The issue arises where septic sewerage systems which are very common on Rural properties, some businesses, sporting facilities and others who do not connected or don't have the opportunity to be connected to a town sewerage system. This is a case in most of Shire of Gannawarra, apart from the major towns, such as Cohuna, Kerang, Koondrook and Leitchville.

These types of septic systems are been round before the Second World War which if properly managed and operated work extremely well and allow people to have a standard

living somewhat equivalent to the town colleagues. The downside to such systems that they occasionally need to be emptied, which is quite easy done with today's modern technology septic pumps and tankers. The issues are where you dispose of it is become the major problem.

When the sewerage systems were under the control of local Councils prior to the amalgamation and the creation of Urban water and sewerage authorities, contractors were able to pump out the tanks and deliver them to sewerage farms where they were dispose of into the sewage ponds , becoming part of the normal process of disposal. In recent times the Urban water authorities have been reluctant and in fact banned the disposal of loads into sewerage ponds. I've been in constant discussion with Coliban Water about this issue who with CEO Jeff Rigby in trying to work out a way of managing this problem.

Coliban water do provide to sewerage dump point is which I understand is in Bendigo and Kyneton which is some 100/250 KM plus away from Cohuna. This is totally impractical to have sewerage carted that far and nobody's going to do that pay such costs. So in reality tanks are still being pumped out ,with this material is being disposed of in a private manner our other side of anyone. Local government in most cases also has a finger in the pie because of the licensing undertaken on septic tank systems. So we have a three way management process, with currently is achieving very little.

One of the contractors providing this service to Rural properties was reported by someone to the EPA, who then arrived on the property to talk to the contractor and threatened to take contractor to court. After lengthy discussion and some advice contractor were given a warning not to undertake such a process, but no solution was being offered or EPA looking into the issue to find a solution.

Yet at the same time the time-honoured method of disposable still available at Quambatook under the control of the Gannawarra Council ,which is similar to the old night can system which is in place before sewerage system became available to towns .sewerage is disposed in ploughed pit lines, allowed to evaporate and then covered over with soil. This practice is been in place for 100 years and if done properly is not causing a problem of any degree. This is entirely up unsatisfactory in this day and age when we cannot find a suitable solution that allows the community people who are entitled to have a standard living equal to those in towns. This has created discrimination because of the lack of a disposal system an agreed methodology. This is a classic case where the EPA should be the body that guides the community contractors and others to a best practice process at a reasonable cost and convenience.

Currently there is a working group hopefully been put together, not as broad working group as I would like, plus a lack of common sense input, not being encouraged to resolve the outstanding issue.

It appears that Urban Water supply systems are just dumbing down to the lowest point of risk instead of being proactive in working towards a solution as well. There is a solution we just don't seem to have the courage or common sense the deal with that.

Having put a lot of effort and a lifetime experience in this whole area I find this one of the areas where we can improve the EPA and its associated bodies to work on behalf of the people Victoria, in a more creative and positive manner.

Hopefully I've given your picture of a problem that the current system seems incapable of dealing with. If EPA and others who are charged with responsibility of working on behalf of the community to resolve this rather small issue, then I am concerned how we handle issues into the future on behalf of the community.

Would now like to make comment on some of the questions that were proposed in the online submission.

Question,

**What do you think other key environment of challenges that will impact the EPA into the future.**

The major issue is understanding the challenges, deciding what education and knowledge exchange need to take place with the community and using the best of all knowledge and ideas deliver practical outcomes. It would be easy to list what are the challenges that EPA would like to have full control over and then consult with the community when the EPA saw fit. Needs to be understood that these issues should be driven by the community in the first place as their desires of what they would want in this standard are living, social recreation their right to buy given products the whole range of other issues. What is difficult to work through what are the secondary consequences of these activities plus a political nature in which they can become from various pressure groups, political parties and others? Who in many cases would embellish the facts and truth, the issue because it suits them but ignore the rest of the community views. In the final analysis it generally comes down the balance of all the issues including a level of risk and sustainability.

**What aspects of the EPA's work do you value and wish to preserve into the future**

The EPA will need to work to an agreed plan which the community should always have access to. The operating plan will need to be flexible, requiring continual consultation all sections of society. There will be technologies and advancement that will resolve some issues which will need little EPA attention while others require significant effort in consultation with the community. Needs to be thinking ahead, to be pre-active not reactive.

**How can the EPA affectively work in partnership with other government agencies to meet the environment of challenge of the future?**

This I think is a big challenge for the EPA and all Government Authorities and their leadership. At the forefront needs to be their understanding that they working on behalf of the community not the community on behalf of it. There is no doubt that needs to be a lot more enlightenment of how Government departments work with each other and the community at large.

Every workplace in a large government authority inevitably develops silos and a whole range of people that will protect or ensure that their job is more important forever and a day. Interchange of personnel between the commercial world and the Government authorities would be a good starting point to broaden the understanding of both sides of the fence. Yes it is easy to criticise Bureaucracy but too often Bureaucracy doesn't help itself by poor communication in explaining and sharing its knowledge. Also occasionally is worth

saying that nobody has a mortgage on knowledge. As a nation we become kings of red tape this needs a complete review to ensure that any regulation has and adds value to business and the community or the safety of people. Should not be used for someone like Government Agencies and the Government itself to hide away from good decision making and policy implementation.

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

Once again we need cooperation between all of those areas of Government to share and understand the knowledge and what is deemed to be a health impact. It's also important when it's discussed with the community at large; that such discussion tries to be as factual and unemotional as possible. At times the EPA's use it as a big stick and a scare campaign when in fact the issue is not been so impacting as made out. I would agree it's not that easy to put out balanced information particular when a Government minister gets put under pressure and are seeking a way out, instead of dealing with the issue in its entirety. Politics of Government and Bureaucracy is becoming an ever increasing issue. Once again it's a community pay the price in such battles.

**How could statute frameworks or effectively prevent future environmental risks and land use conflicts.**

With a great amount of difficulty when I look at the experience that I've had in local Government and other such issues. Once again there are political overtones in this type of framework; one only has to remember the desire of Melbourne and some of its industry to transport its highly toxic waste to the Mallee some years ago. We consider ourselves and educated and clever country, we need to use all available knowledge and further research to be in front of these issues as much is possible also looking at possible solutions. It will be driven by larger communities wishing to further expand, to have what they think is right for them as they become middle-class and long somebody else takes the blame or finds a solution they will be happy.

**What role should EPA play in emergency service management?**

Depending on what the emergency event is, at all times should be in cooperation with the others services attending to the issue as sought by the community. The firetruck will be the most likely emergency service to deal the fire, followed by many others. EPA needs to ensure that it has a smooth facilitation role and be able to provide knowledge and expertise is required. Each emergency is different, a prolonged flooding event such as what happened in Gannawarra Shire January 2011, is different in the EPA role as to what it would be if there is a full on chemical spill after a road accident. In some types emergency the EPA can be a hindrance as much as a help which I seen happened during the flooding event. It is area skill that the EPA needs to improve on the understanding of a community relationship.

**How can the EPA better identify and, where necessary, address problems that are the result of past activities?**

It should be part of the normal business practice and operation of the organisation to identify and offer advice in partnership with the organisation that has the identified

problem. There are all is going to be problems from past activities purely to the abandonment of old buildings, restructured farms, decaying towns and others could create problems to a greater or lesser degree. Also is the case when businesses wish to upgrade their facilities and how they dispose of old equipment and processes. It should be done with the greatest level of cooperation, advice being available and the best method available to do this at the most practical cost and management. Should never resort to the big stick approach at the front end unless a necessary to use this approach because of poor cooperation or there is an actually identifiable problem of concern. The long and the short of it is the EPA is not well enough understood in its operation and its value to the community in dealing with issues in a cooperative manner.

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

Before any more but of power is given to the EPA we need to identify what they are, in what areas of the environment or parts of society such issues arise. A lot of human health is dependent on well-being of people, particularly in the areas of mental state, leadership, job satisfaction and quality of life et cetera. None of these are really the EPA's area of expertise at all.

We also need to define what we mean by environmental outcomes. There is been a general meaning of the word reflects the environment which we live but in many ways the word environmental and environmental been hijacked in the political debate that goes on in the world in which we live. There are areas in which people live work and play which they will totally want improve from an environmental viewpoint but it is an artificial environment compared to what was once there. Then there is areas of natural environment other words not touched that much by development as we understand it today which the very same people also want to have protected long somebody else pays. It gets back to the inevitable word balance, what is that?

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

I certainly do not support the EPA becoming an advocate for Government or Political policy what greenhouse admission should be. Its role should be to work within the current admission rules standards within industry and the community and report those in a meaningful way to the community at large, where possible as an education tool and perhaps an area of research to improve such admissions and solutions also to improving gas emissions. We have more experts on greenhouse gases and we do have greenhouse gas at the moment, we need a better form of debate and understanding particularly on the impact on the individual, wider community and the country as a whole. If you impact on one there will be an impact on someone else, will this be done in a fair and reasonable way nobody answers that question yet. The EPA I do not believe is capable of doing that.

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

How long is a piece of string? There is no doubt in many cases the EPA power is greater than individual or organisation therefore decisions that are made by the EPA at times I feel do not consider justice or a fair go approach in all the aspects of the decision made.

I indicated earlier where my knowledge is being gained is in the closure of old tips around the countryside. I certainly believe that is an over kill in the way in which this was handled which came at great cost to rural communities, in some cases not the creator of the tip deposit but now bearing the costs of rehabilitation. The EPA has not been good at explaining to the wider community and to the people who pay the bill as to why the extravagance reliance on consultants usage, plus others costs were required to really to rehabilitate such sites.

I often get amazed when I see Bureaucracies give a report on themselves, they should be accountable for what they do each year services provided and the actions taken. They should never be the judge and jury on how well that's done; community needs to be able to have some input into that assessment. Also we need to improve the language which is used by the EPA and others so people can understand what is being talked about and they feel are encouraged to participate in feedback or direct discussion on the decisions taken. Too often language is used to exclude people from debate participation, not in a positive way of two-way communication.

### **What can we adopt from other regulators and regulatory models to implement the best practice approaches and ensure the EPA can arise to meet key future challenges**

It would be presumptuous of me to suggest what these best practice models are in other places.

There is no doubt that there is other models that would be able to provide some improved practices, the greatest and best practice still is quality people with positive attitudes and a high respect for the community in all of its facets.

It's the one thing that would allow the EPA to do better in so many ways,

*The decision itself is not often that important, is the quality of the journey that we take to making that decision that is most.*

If the authority, local government, business, rural community, farmers and others have no understanding of the decision that is taken and been imposed on them without being part of that decision making journey .The decision itself often has little or no value certainly has little chance of being respected . We simply need to do this better and it is a two-way process.

### **Are there any other issues relevant to the terms of reference you would like to raise?**

On my first reading of the terms of reference they appeared to be too much seeking an answer that they wanted at the starting point. That is okay, make life easy, going along make a couple of changes and everything will be hunky-dory.

As of work through my submission although not across all EPA issues , the key point standing out to me, time and time again, in the areas where I've worked and represented communities in many ways the EPA is somewhat an enigma. It appears to turn up either late or with the power of force of what it wants and how it should be done. When pushback comes to the EPA quite often doesn't provide an answer just shunt you off to some consultant, who often does very nicely in financial reward, when good discussion and case management could achieved same thing in the first place.

Would like to see some more meetings closer to my region than they were, was unable to attend the one in Bendigo which would have been the closest, need to ensure the people with not a lot of resources can participate in the decision-making.

When I talk about this around the general community many people have a fear of the EPA and certainly have a fear of speaking out on issues because they feel that they will be discriminated against in some form or another. Now that's certainly not the case in general terms but there is no doubt at the EPA as large and strong regulatory powers that can make life difficult for someone to the endth degree. Might be required at times but I would suggest it should be the last resort approach.

**What can the EPA do to avoid future potential problems?**

Simply make itself more accessible to the community, be a provider of knowledge education and a conduit to having environmental issues and solutions available from whatever source is required.

Recruit the best people available, improve people skills and develop a high level respect for the community at large which the EPA is a servant of, create those partnership that we all wish to desire of improving and maintaining our environmental assets and the community.

That will mean there will be development, otherwise our standard are living all those things we might desire will have to be curtailed. If that's what we want let's say that don't do it in a cloak and dagger way. I'm aware that the EPA can't come and talk to every Victorian but there are many organisations which Victorians of all backgrounds have a connection with where the EPA could build meaningful relationships. Local government is one of those particularly with the Councillors that represent the people. Accountability should be for all not for some.

Thank you for the opportunity to make comment to the EPA inquiry, it is important to review the organisation also very important that the review panel takes notice and does some in-depth review of the organisation itself. Also important that the report is written and is available to the wider community in a language that clearly sets out its view to the Minister and the Government along with Parliament of Victoria on the future of the EPA.

We do have the ability as a group of people at all levels to achieve better outcomes in a fair and reasonable way. It will take effort but anything worthwhile achieving, the effort will pay handsomely.

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