Submission Guidance

In preparing your submission to the Inquiry, you are encouraged to respond to the following questions and/or the Terms of Reference (located on page 5). You do not have to answer all of the questions or address all of the Terms of Reference.

Questions

An Introduction to ACLCA in the context of this Inquiry

ACLCA provide a voice to decision makers in Australia (and internationally) on matters associated with contaminated land management. Our members have significant experience in the assessment of air, soil, surface water and groundwater, and the remediation of soil and groundwater for the protection of human health and the environment.

Our consultants engage with EPA Victoria (Metro and Regional Teams) on a regular basis in conjunction with our clients that operate in a variety of sectors including chemical, oil and gas, water, waste, mining, transport, and property development. We are cognisant of the challenges faced by EPA, but are also aware of the opportunities that exist to make the EPA an efficient, effective and responsible authority in the future.

Our organisation consists of 36 member companies with individuals experienced in consulting in national and international regulatory systems, and a number of the responses below draw on best practice/experience outside of the Victorian system that will be of benefit to EPA Victoria.

ACLCA has focus areas in the following sub groups:

- Regulatory Affairs and Environmental Audit (leading this ACLCA submission)
- Asbestos in soils
- Analytical chemistry
- Collaborative Research
- Occupational Health and Safety
- Membership and Ethics
- Risk Assessment
- Continuing Professional Development &Young Professionals

The majority of responses to the Inquiry Questions include reference to one or more of the following key elements:

- EPA resources (funding levels, technical expertise, consistency of EPA advise/regulation)
- EPA's Roles and Responsibilities (relative to other authorities) and Enforcement
- Prioritisation of sites
- Planning, developers, and efficient and pragmatic management of residual contamination
- Community Expectations and EPA's role in educating

In light of the expected population growth in Victoria, a change in demographics, a change in community expectations, and the potential changes in climate, the suggestions provided in this document not only address current challenges, but also the likely future challenges to be faced by our EPA and their stakeholders. In line with ACLCA's remit, we hope that the contributions below are of benefit to the protection of Human Health and the Environment, and also to the continued improvements in technical quality and consistency of deliverable we are able to offer our clients and broader stakeholders.

1. *What do you think are the key environmental challenges which will impact the EPA in the future?*

Challenge	Comment
GROUNDWATER RESOURCES	*Prevention of Contamination of Groundwater*: With an increased population, there is a greater demand for resources, including some hazardous materials such as fuels. With increased activity (e.g fuel handling and storage requirements for a service station site), there is a requirement for a more comprehensive tracking/enforcement of adherence to prevention measures and associated management standards (e.g Underground Petroleum Storage Systems, UPSS, Publication 888). It is noted that EPA have begun to evaluate the magnitude of the problem of leaking underground storage systems on active sites, and it is hoped this process leads to improvement in management standards from petroleum operators (particularly small scale operators who don't typically have the management systems larger organisations have) and greater enforcement/Notices issued to those operators that are not compliant. <u>There is a formal requirement in NSW and ACT under UPSS, this should be considered for Victoria</u>. *Management of Contamination of Groundwater:* Notwithstanding the value of 53X Audits given the comprehensive assessment and remediation works often associated with them (and resultant benefits to the minimisation of potential uncertainties/liabilities), industry needs another option for those sites with contaminated groundwater that requires clean up, but do not require such a comprehensive assessment of the land. Specifically <u>a more pragmatic approach to how Clean Up to the Extent Practicable (CUTEP) can be achieved without the arduous (and often unnecessary) requirement to complete a 53X Audit</u>. If EPA produces guidance for developers/other stakeholders about what exactly a CUTEP includes and what is doesn't include (i.e it relates to Clean up of groundwater, but it is *not* a sign off as the entire site is "Clean") then this can actually progress the restoration of a site for (managed) reuse back into the community, and save industry/developers/EPA/Auditors considerable time. Similarly, the application of GQRUZ's, which are designed to manage and protect human health risks from groundwater can also take significant time to apply (e.g >10 years from the discovery of groundwater impact and the associated risk). Application of a GQRUZ should be considered after the identification of groundwater pollution, not at the end of a statutory process.
LAND USE/PLANNING	Metropolitan vs Regional Redevelopment of Brownfield Sites: There is currently a significant challenge in restoring former industrial land (and on and offsite groundwater resources) back to a beneficial use/asset for the community in regional areas. In Metropolitan areas, there are often financial drivers to remediate a derelict site to allow a residential development to be constructed. These financial drivers often do not exist in regional areas due to lower land value. As a result <u>contaminated land is left derelict in regional areas for significant periods of time (often decades)</u>; regulatory drivers are also often absent due to a lack of EPA resources for adequate enforcement. Some industrial operators will only prioritise clean up in response to receipt of a regulatory Notice. As such, the sources of funding for the EPA (discussed further in Question 4) should be addressed as a matter of priority to ensure

	that all communities have beneficial uses in their local environment restored in a timeframe driven by what is deemed appropriate by EPA, not by a developer.
LAND USE/PLANNING	The EPA sometimes becomes a referral authority for certain planning decisions. In this instance, EPA should have adequate resources (i.e an adequate number of suitably qualified staff) to service these referrals, giving consistency of advice (regardless of which EPA employee is engaged); developers and consultants would benefit from a "typical" set of EPA responses for a range of likely risks (it is noted that not all cases are generic but such guidance could contain caveats).
LANDFILL	With the increased population comes an increasing waste burden. Notwithstanding the requirement to refocus on recycling, more waste will require management and storage. Current communities may have new landfills created in their area and this will likely raise community concerns. Significant investment is required in consultation, education, and enforcement in this area. Industry (site operators/Auditors/consultants) deserves consistency in regulation and a community deserves an authority that can enforce regulations with suitably qualified and experienced staff. As available open space reduces, the potential risks associated with increased activity and/or construction on areas underlain by or adjacent to old landfills should be considered further.
ASBESTOS	There is a mismatch between environmental guidance and OHS Regulation relating to the assessment and management of residual asbestos materials in soils. There is a conflict between the NEPM (2013) Guidelines and OHS Regulations, which needs to be resolved as a matter of urgency. Significant costs are being incurred in terms of project delays whilst developers wait for clear advice as to what guidance/criteria applies to the clean-up/remediation of sites when ACM in soil has been identified. Delays are extending to months, often without any definitive advice being provided. Whilst there is a cost to dispose of asbestos (e.g domestic volumes) or a lack of available landfills to accept it (e.g in Regional Areas), there is a risk of encouraging the wrong behaviours (i.e Illegal dumping). NSW have reduced the risk of this by allowing low volumes of asbestos to be disposed of for free. Much of the asbestos related environmental guidance focusses on visible asbestos containing material. While this material does require consideration during assessment and remedial works, the presence of microscopic asbestos is not well addressed or understood. It is noted that the microscopic asbestos presents the greatest health risk, but strangely, is poorly accounted for in the NEPM and waste guidance.
AIR	Although brownfield site redevelopment is not a new concept, assessment and management of risks associated with vapours emanating from ground contamination remains one of the most complex aspects, and requires further attention. R&D should be supported by EPA with closer attention to modelling and measurement methods for onsite and offsite vapour intrusion. The control and assessment of air pollutants (including those arising from ground contamination), both indoors and outdoors are significant challenges for the

	future. Guidelines are based on specific monitoring practices which may be used in site assessment work and attempts should be made to consolidate this information and provide clarity for all stakeholders to avoid confusion and inappropriate use.
SURFACE WATER	*Prevention of Contamination to Surface Water*: With an increased population, the stress on ecological systems is likely to increase with the greater volume of domestic/waste water to treat prior to release or reuse, increasing the risk of pollution incidents from treatment works to surface waters, particularly during extreme weather events.

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

EPA's work that is valued	Comment
EPA's challenge and response	EPA has demonstrated their willingness and ability to improve with the implementation and ongoing commitment to the Audit Reform Program over the past 2 years, which has already seen some marked improvements for a number of stakeholders in the Sector. More improvements are expected in this final year. It is also recognised that changes in the waste regulations in previous years have resulted in marked improvements in management practices.
Approachability	A number of industrial clients seek a proactive and collaborative approach when managing contaminated land, including seeking an open dialogue with the EPA. This is often well received with EPA, and (when the EPA contact is suitably qualified and experienced) pragmatic and mutually beneficial solutions to ongoing management of impact are generated. However, one of the main challenges faced by Industry is actually getting in contact with the correct technical expert at EPA, then finding availability in their schedule for a meeting, and subsequently their responsiveness to meeting actions. It should be noted that resourcing and consistency of regulation/support is flagged as an area to improve in Section 8.
Communication to Consultants/Industry	It is appreciated that comprehensive communication with all relevant stakeholders is a significant task. The EPA uses several forums (e.g ACLCA presentations/Clean Up Conference, etc) and media (press releases, EPA website updates, etc) to communicate to relevant stakeholders. These engagements are extremely helpful, and often seek the feedback of industry to allow input into proposed changes.
Contributions to R&D	Contributions to R&D (University level) that enable research to benefit the Environmental Consultancy Sector and its clients.

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

EPA's working with other Government Agencies	Comment
DELWP, Local Councils, etc	Regular EPA working groups or communiques with Councils (including provision of examples of how successful outcomes have been achieved) will improve how Regulations are pragmatically and consistently applied at the local level. For example, the application of a Section 173 on Title (to restrict future use/activity on a site, due to residual impact) is welcomed by some Council's and rejected by others. The role of the EPA in land transactions requires guidance for such stakeholders, and those within the broader contaminated land industry.
Collaboration/Partnering	More initiatives such as the collaborative joint processing of EPA works approval and planning permit applications. Strengthen ties with Planning, Health, Agriculture/Mining Depts, and Local Governments – esp providing advice to local council officers on technical matters related to EPA's remit (pollution control and management, planning to manage/prevent/mitigate industry and population overlap and promote "liveable neighbourhoods" etc).
-	Refer to Question 7

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

EPA's Role in safeguarding the community	Comment
Onus on the Polluter	As in other States, guidance should be provided as to when the occupiers of a site are legally required to Notify EPA when significant groundwater impact is found (e.g mandatory notification of the new discovery of LNAPL in groundwater wells in South Australia and New South Wales). Furthermore, at present only an Auditor has the obligation to notify EPA to an imminent Environmental Hazard, but only a fraction of contaminated land sites are under Audit.
EPA Enforcement:	EPA are faced with a challenging predicament. They are being asked to deliver to an ever increasing number of stakeholders in a consistent and timely manner. Noting the key role of Environmental Auditors in a number of projects, incorrect directions/guidance from EPA to industry may mean risks to human health or the environment are not fully considered or adequately forward managed. Such actions would likely expose EPA to unfavourable media attention, or risk potential precedent setting (e.g on CUTEPs). <u>More resources are required if they are to deliver to a high standard, on time, every time</u>. EPA spends a significant amount of time planning and developing policy/strategy, but it is also required to enforce regulations. It is noted that both the development of policy *and* enforcement is required however EPA do not appear to have the resources to do both adequately. Either a greater focus is required on enforcement (with less time allocated to policy), or the EPA should be provided with more funding to boost the number of staff dedicated to enforcement, examples include: - countless former industrial sites with legacy soil and groundwater impact that is not being remediated as the EPA don't have time to make owners/operators accountable. - more education, checking and policing of the earthworks and soil trucking industry should be resourced, to strengthen the prevention of illegal transport and disposal of contaminated soil. The processes now followed in NSW regarding waste management (e.g GPS Waste Tracking, and the application of the proximity principals, etc) should be considered for Victoria. - enforceability of Audit Statement conditions: this has been an issue for 20 years. There should be a system similar to other States where conditions are recognised on title. <u>The EPA has a number of technically strong staff but is under resourced.</u> As consultants we rely on getting the ear of people who we think can understand the pragmatic approaches we are advocating. This overloads those people and

	reduces efficiency. The sources of funding for EPA needs urgent evaluation and improvement; either the proportion of funds directed to EPA from existing revenues (e.g Landfill levy) or the number of sources should be increased.
EPA Turnaround and Accountability	It is noted that CUTEP determinations appear to be improving (based on EPA presentations, approximately 9/10 are determined within 56 days), however there is no real accountability for when any decisions/support is delayed. Generating (and publishing) a structured engagement and tracking process (and elevation options should matters not be resolved) may be of benefit. EPA must be made accountable with their enforcement and be measured against (independently verified) Key Performance Indicators to ensure contaminated land/emergency/environmental issues are managed adequately. If such KPIs already exist, then EPA should consider publishing these statistics so Industry can better understand current successes and areas that require focus.
Communication to Local Community	Whether it is air/surface water releases from operational facilities or offsite migration of contamination from a redundant brownfield site, improving the timeliness of communication to local stakeholders should be addressed. Furthermore, the role of the local community should be given more credence during a site clean up (particularly as they may be one of the key beneficial users of the land requiring remediation). Often pragmatic solutions can be generated when dialogue is instigated; it is advantageous to the process if EPA play a key role in these engagements given they cannot be perceived as having a conflict of interest as their remit is only to protect Human Health and the Environment (developers or industrial operators have additional drivers to consider such as financing/resourcing/liability management/etc).
Fines	The level of fines (e.g for breaches in License conditions) may not be a sufficient deterrent to encourage companies to invest in better prevention; as such the level of fines should be reviewed. There is some evidence to suggest that NSW EPA have the mechanisms and/or staff levels to implement more fines; hence following the NSW EPA approach on enforcement may be of some benefit in Victoria.

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

Statutory Frameworks	Comment
Planning	- Strengthen the clarity of Ministers Direction No. 1 in the legal framework so that a legally binding clear process is required for potentially contaminated land – similar to the DSE Practice Note but updated and clarified. - Reviews should be conducted progressively across all Planning Scheme areas of Environmental Audit overlays. There may also be a role for Environmental Assessment overlays requiring planning applicants to carry out an assessment to determine whether an Audit is required, or whether any further assessment / clean up is required but not an Audit.
Accredited Practitioners	Consider whether there is a role in the statutory framework for accredited practitioners. <u>There needs to be clarity on what accredited practitioners should be engaged to do compared to Auditors</u> (e.g. the requirement to conduct an Audit should be decided by Council, in consultation with an Auditor as required, not a practitioner; are all Councils aware of this?).
Communication	Frameworks should be in clear non-technical language to allow all stakeholders to understand the process. The documentation should also be accessible from one website.

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

Emergency Management	Comment
EPA's Role	Clarity on the role of the EPA is certainly required. High profile instances such as Mine fires or releases from major industrial facilities highlight that their role (relative to other Authorities) is not always clear regarding communications, environmental monitoring, human health risk assessment, and general responsiveness and accountability in emergencies. Suggestions as follows: - Lead role in coordinating the response to spills to ground or surface water, landfill gas and other environmental emergencies – e.g. coordinating / allowing Worksafe and CFA to protect people as their first priority but then as a close second priority coordinating CFA and other resources to conduct initial clean up and prevent further impact etc. - Support role: for other emergencies where environment is not the highest priority – e.g. fire, natural disaster – they should be a referral organisation but still play a significant role.

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

EPA Assessing Past Activities	Comment
EPA databases/Register	*If the Question relates to All Contaminated Sites in Victoria:* This is a significant task that will take substantial resources, and if conducted, adequate investment is required to ensure the end product is reliable, fair to all stakeholders, and of a usable standard. To identify, prioritise, and collate contaminated land sites, EPA could draw on expertise and support from University or Industry contacts, and may consider a pilot trial to refine identification and prioritisation metrics. The use of a GIS based system (drawing on existing EPA databases, PANs, Audited Sites, reports, etc) would be essential for completing this. Along with engagement with Councils (EAOs, Planning/Property Records, etc), and a prioritisation process is essential here (the EPA's CERRA could be utilised as a starting point, refer to Item 8). Furthermore, consider/include development an environmental management register that lists sites (or businesses?) that have voluntary environmental management systems in place and which publicly report their environmental performance against an environmental reporting standard. This could be a tool that is used to record sites with post clean up requirements without using a Pollution Abatement Notice (e.g. where there is ongoing monitoring of groundwater, ongoing care of landfill caps, ongoing maintenance of leachate, landfill gas system and drainage systems). Implementation of a multi-tier register of contaminated sites has been completed in SA and WA (with a contaminated sites committee in WA), and could be considered in Victoria. *If the Question relates to a Specific Site:* The current process of issuance of regulatory Notice often instigates the process of making the Site owner/operator begin to engage and provide information; consultants are often then engaged to conduct the Phase 1 assessments that will establish the site history and past activities that may have resulted in contaminated land.
-	Answered in Question 4

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

How to avoid future problems	Comment
EPA Resources	EPA must have the funding to ensure they have an adequate number of staff to adequately enforce Regulations. The funding should ensure that the staff in each Region are suitably qualified and experienced to regulate contaminated land sites consistently (there is currently different approaches to the application of regulation depending on which Region/officer is involved). EPA does not have the number of staff required or enough technically experienced staff to support.
EPA Accountability	Answered in Question 4
EPA's Risk Based Approach	A more transparent use of Risk as a basis for prioritising actions is required. ACLCA note the use of the Contaminated Environments Risk Ranking Assessment (CERRA) tool but doesn't know of many examples of this being applied and is unsure if Regional officers are utilising this tool. At present, a large amount of EPA and community resource being put in to low risk issues (due to perception) rather than some higher risk issues which may be deemed as too difficult (w.r.t time required or technical expertise required) to resolve and could be left neglected. Where there is a perception of risk (as opposed to an actual risk), better education of local stakeholders is required.
Orphaned Sites	Financial Provision should be made to adequately deal with Orphaned sites across Victoria. To reduce the risk of 'new' orphaned sites, consideration could be given to a Bond system (similar to that seen in the Mining Sector, but perhaps applied with a different level of vigour) to ensure that new activities that have the potential to impact land have adequate funding to restore land to Beneficial Uses.

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

Outcomes beyond safeguarding Human Health	**Comment**
Education of the community	Noting the importance of Human Health, the role of EPA is as much to do with the protection of the Environment. There are significant opportunities for EPA to introduce new initiatives to promote environmental protection and sustainability including: - Reduction of carbon footprint (e.g travel, food miles, etc) - Recycling (waste and water) - Disposal of hazardous substances in the home (asbestos, paints, medicines) - Disposal of other materials (mattresses, baby wipes to drains) - Awareness/Reporting of contamination by the General Public The use of marketing materials and online educative tools to achieve this should be considered.
Better engagement with other Agencies	Strengthen ties with other agencies involved in these areas – e.g, water authorities, environment, national parks, and agriculture (including Commonwealth). Clarify the roles and responsibilities of each agency.

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

Greenhouse Gas Emissions	Comment
Climate Change and Contaminated Land	The role of EPA in planning for changes in climate should be clarified. A rising water table/sea level may mobilise impact in certain areas (e.g mobilisation of shallow soil impact from rising groundwater or coastal erosion in areas of waste storage). Futureproofing is already being considered by Councils, Water Authorities, Developers and EPA should consider climate change in the Contaminated Land space.
EPAs role	Advisory scientific input plus development of suitable suggested policies and strategies for Ministerial consideration.

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

Environmental Justice	Comment
Environmental Justice	Environmental justice is inherent in a number of the responses we have provided in other Sections. To ensure environmental justice is being adequately considered and applied, independent expert reviewers and independent review committees (e.g. engaging university-level experts) should be considered.

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?*

Adopting other Regulatory Models/Best Practice	Comment
Continue with harmonisation and learn from other jurisdictions	Other regulators are regularly changing to adapt to their changing environmental, social, economic and electoral situations and technical innovations; not all will be appropriate or relevant to Victoria, but EPA should maintain strong ties to keep abreast of other jurisdictions changes (esp. interstate and NZ, then US, and EU) and note the successes/failures and appropriateness of introduction to Victoria. Examples have been provided in responses to other questions, but additional examples are: - SA: The mechanism that allows for the transfer of liability should be considered. Also the role of EPA in planning matters (every planning decision gets referred to EPA). - NSW: The approach to enforcement in this State should be considered. Where relevant, EPA could input into other jurisdictional changes – esp interstate and NZ – and provide advice/influence before changes made, or introduce some best-practice changes collaboratively (across multiple jurisdictions) where appropriate. Consider use of National Environment Protection Measures as an example. This could be captured under the Harmonisation initiative.
National Environmental Protection Measures (NEPM)	Consistency in approach at the national level is important and to some extent this is embodied in the NEPM process. It is important that developments in other areas are reviewed and incorporated if appropriate. To that end there should be a structure to enable NEPM amendments to be made on an annual basis in view of new scientific knowledge that is developed at an increasingly greater rate.
Site Classification	The adoption of WA site classification committee model should be considered (this committee could use the existing VIC EPA CERRA?)
Managing Voluntary Clean Up	Alternative mechanisms to be in place to enable agreement to be reached between EPA and a developer/occupier on approaches to remediation such measures would be "voluntary" (e.g. South Australia's VSCAP provisions) or by agreement rather than punitive Notices which tend to be prescriptive in their language and a negative on parties trying to do the right thing. Furthermore, the issuance of punitive Notices may drive the wrong behaviours from site owners/operators in the future, as they would be less inclined to engage EPA if there was a greater risk of draconian enforcement measures (in lieu of the more favoured pragmatic and collaborative approach they typically seek).
Other examples	NZ contaminated land risk screening process; Canadian hydrostatic test wastewater discharge.

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

Other Issues	Comment
1	The role of the State Department of Health as the key administrator for public health protection.
2	The engagement of the community and independent peer reviewers of work undertaken by consultants, Auditors and the EPA.
3	The method to ensure updated knowledge, methodologies and technologies are incorporated as soon as practicably possible into State and Federal legislation and embedded practice documents.
4	Amend EP Act to incorporate the ability to deal with environment protection that is not single-site related (e.g. regional groundwater contamination in the Docklands precinct; waste management when waste when leaves a property boundary). There is no system that supports minimisation of waste on linear infrastructure projects that cross property boundaries (Regional Rail is an example and there will be many more projects like that).
5	Use of (and formal recognition by EPA of) precinct environmental management plans where precinct redevelopment is proposed.
6	Clarify EPA's role in radiation protection.
7	There is a mismatch between the waste and contaminated site guidelines - the Category C criterion for pesticides is so out of line with health and ecological guidance that you can live and grow vegetables on the soil but if you take it offsite it is Category C Contaminated soil at large cost. These discrepancies need to be minimised. Some of this is also education as "Category C" contaminated soil has a bad name in the community but in reality it is soil that you would expect to find on a commercial/industrial site.
8	Approach to groundwater beneficial uses - Need to re-evaluate the approach to groundwater beneficial uses, in particular their protection within an urban setting. The premise of protection should be based on the value of the resource in terms of its potential use and not its salinity. Furthermore the application of the GQRUZ process should not require a costly and often unnecessary 53X Audit.
9	Notices should be peer reviewed to ensure information is accurate (e.g site owner, factual information about the site, dates, etc) and consistent with prior discussions with the site owner prior to the Notice being produced.
10	Public Transport, Urban Design & Urban Planning & Building Design all contribute to "Environment Protection". Does the EPA contribute to any argument in any of these policy areas, even simply from a CO^2 generation

	perspective?
11	If and where guidance, policy or regulation documentation is to be updated as a result of the EPA Inquiry, it would be welcomed if some of the documents could be streamlined or even mothballed if certain guidance is either superseded or now deemed “standard practice”.
12	Increased environmental epidemiological studies (at the University level) would ensure risks are better understood (reducing the risk of an overly conservative or inadequate consideration of risk).

Closure

ACLCA continues to endorse the EPA working collaboratively with key stakeholders in the industry to improve the outcomes of projects related to contaminated land, and looks forward to the productive outcomes and changes resulting from this Inquiry

EPA Inquiry Terms of Reference

Scope of the Inquiry

The Terms of Reference for the independent Inquiry into the EPA were established by the Minister for Environment, Climate Change and Water.

The Terms of Reference specify the scope of the Inquiry by reference to the following seven matters, listed in order of priority:

1. the EPA's appropriate role in relation to public health issues, including at least: community concerns such as exposure to asbestos, chemicals and other pollutants; the prevention and management of site contamination, air quality, and water quality in rivers and other waterways;
2. the Victorian community's and industry's expectations of the EPA as its environmental regulator;
3. the EPA's appropriate role in protecting the environment;
4. the ability of the EPA to ensure that the principle of environmental justice is adhered to, the environment is protected for the benefit of the community, and members of the community can be meaningfully involved in, and access fair treatment through, environmental regulation;
5. the ability of the EPA's current governance structures and funding arrangements to enable it to effectively and efficiently discharge its powers, perform its duties and implement its required functions;
6. the scope and adequacy of the EPA's statutory powers, and the effectiveness and efficiency of the suite of tools available to and utilised by the EPA, in enabling protection of the Victorian community and the environment, particularly in light of recent, new and emerging risks and issues; and
7. any other matter reasonably incidental to these above matters.

The Advisory Committee is also directed to:

- consider the best way to combine environmental protection with economic viability and growing sustainable jobs in Victoria, including through improving regulatory efficiency and minimising regulatory burden; and
- seek the views of the community, industry and workers in related industries, local government and Victorian government agencies, as well as those of other relevant stakeholders.