

BH

16 October 2015

Inquiry into the EPA
PO Box 21428
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To whom it may concern,

Re: Shire of Campaspe Submission to the Ministerial Advisory Committee for the Inquiry into the Environment Protection Authority

The Shire of Campaspe welcomes the opportunity to make a submission to the Ministerial Advisory Committee for the Inquiry into the Environment Protection Authority (EPA).

Council has a long established relationship with the EPA through licensed sites and various other mechanisms.

Council provides the following points for consideration:

Response to questions posed in Discussion Paper

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

Council is of the view that regardless of the challenges the EPA will be required to provide more direction and guidance using experts that understand the science and challenges facing local government. The environmental risks will need to be balanced by an independent organisation that is focussed on the environmental outcome.

Generally the environmental challenges facing local government are known, for example landfill rehabilitation, and there is time to address these issues. The EPA should work with local government to ensure that works that are required to be carried out are planned for in the budget setting process.

- *What aspects of the EPA's work do you value and wish to preserve in the future? How can the EPA effectively work in partnership with other government agencies to meet the environmental challenges of the future?*

Council values the relationship with local regional EPA staff. It is often difficult to obtain access to these staff due to under resourcing. However once contact is made and a relationship is developed it can be inclusive, cooperative and highly valuable.

Given the pressures on landfills, the issues surrounding composting and the increase in intensive agriculture, a more regionally focussed presence should be considered. The discussion paper states that total EPA human resources are equal to 312 FTE's, of these 84.72 FTE's are regionally based (and some of these would be support staff).



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Effective future partnerships with rural local governments will be highly dependent on resourcing and the availability of EPA staff that can provide advice and guide outcomes.

An example of how partnerships and relationships have the potential to be harmed is the current Environmental Auditor process. Balancing the self-interest of Auditors (making money and avoiding personal risk) against the actual risk posed is not working, the process appears to be counterproductive and the cause of harm to well established relationships. Council's experience is one of being held to whatever an Auditor recommends even when something less onerous would be sufficient and is being recommended by other consultants. This process would be best implemented through consistent approaches, with cost effective solutions reached through a partnership approach.

EPA environmental auditors have a vested interest (making money and avoiding personal risk) and the process should be changed. The EPA could employ officers that can play that role and provide environmental outcomes through an unbiased process.

Council wrote to the minister to have someone consider Council's requirements under Hydrogeological Assessment and Aftercare Management Plan Pollution Abatement Notices. Subsequently, a significant component, the Hydrogeological Assessment was removed. If Council did not question the requirements by writing to the minister (after being told by the EPA that the notice stands) the community would have paid an additional \$50,000 for the same outcome. The Pollution Abatement Notices are issued via email. The opportunity for Council's to comment is limited to the compliance dates. It would be beneficial for all parties to be able to have some discussion regarding the requirements contained within the notice. The EPA should engage, discuss, explain and negotiate in the first instance so that Council understand and are informed. This would build trust and result in better outcomes for the environment and the community.

- *How can the EPA's role in safeguarding the community against the health effects of pollution and pollution incidents be clarified and strengthened?*

Be clear about the EPA's role and promote this to the community and local government. Currently it is difficult to know whether the EPA is a regulator, advisor, engager or all of these. At times the EPA will respond to specific requests and at other times these specific request will not be responded to. This may be a result of resourcing and not being able to respond.

- *How can environmental regulation and other statutory frameworks more effectively prevent future environmental risks and land use conflicts?*

Land use planning is a key tool and should be used where ever possible so that future problems are avoided.

The EPA will need to ensure people that understand the science or industry/land use are involved in decision making and limit the influence of those that are not impacted or have vested interests. The EPA should be a leader in providing scientific based direction and have the analytical skills to provide independent advice.

- *What role should the EPA play in emergency management?*

Expert advice. The EPA should provide science based advice to the community about the impacts from the particular emergency and what people should do to avoid human health and environmental impacts.

- *How can the EPA better identify and, where necessary, address problems that are the result of past activities? What can the EPA do to minimise hazards for the future?*

Build trust through working collaboratively with local governments to develop action plans to identify risk posed by problems and how to deal with them over time. Local governments understand the need to address legacy sites resulting from past activities and need to have the confidence and knowledge to do this.

Future hazards can be minimised by using "product stewardship" and "whole of life" approaches. For example lithium ion batteries have been identified as posing a possible future hazard, introduce measures now that result in that industry establishing mechanisms to collect, recycle and account for the waste

batteries at the end of life.

Land use planning could be used to assist avoid future hazards resulting from the positioning of activities in the landscape.

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

The EPA could be structured in such a way that both environmental outcomes and human health are protected. Often pollution events that directly impact human health (and the environment) are point source in nature and are often obvious. A Worksafe model could be employed in this instance to deal with these events in a regulatory manner.

More diffuse pollution that impacts the environment or has human health impacts over a longer time scale could be addressed by a separate arm of the EPA that works in collaboration with organisations to reduce environmental harm. An example of this would be the approach to salinity mitigation over the past 20 years in northern Victoria.

An organisation that regulates through risk and science based approaches in high risk situations and provides advice and direction in medium and low risk situations to protect the environment would be welcomed.

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

Environmental justice should only be applied in the approvals phase. For sites that are currently operating and have been through the appropriate planning processes, are licensed and operating appropriately the EPA should not apply environmental justice principles.

- *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?*

Shift the onus onto industry, individuals and organisations i.e. product stewardship, Worksafe model, levies. The burden for waste could sit with the consumer who pays slightly more at the front end, similar to disposal now in the more wasteful you are the more you pay, the more you consume the more you pay to deal with the end of life product and the environmental impacts associated with making and distributing the product. Industries would evolve to deal with the environmental impact of their industry and this would result in increased employment through industries set up to recover materials at end of life.

The current model has moved to a position where organisations are required to make proposals to the EPA with limited direction and then be told these are not appropriate. This wastes time and resources for local government that could be avoided if the lead agency (EPA) provided direction, guidance and advice. A more open, accessible science based environmental leader that provides advice and assists local governments meet their legislative and environmental obligations should be investigated.

General comments

- Economic development and growth often conflict with environmental outcomes especially in relation to waste generation. Victoria (and Australia) is a consumptive based economy which by its very nature results in ever increasing waste materials. Council considers options that encourage manufacturers, importers and resellers to take responsibility for the whole of life impacts of their products would address many of the implications the community faces that are generated by waste.
- Landfill levies should be more equitably distributed to assist communities to address legacy sites such as unlicensed landfills and to improve transfer stations to recover more resources in a responsible manner.

- Is EPA a regulator, an advisor or both? If EPA is a regulator then Sustainability Victoria needs more engaged experts to advise local government and industry. Currently it is difficult to know which role each organisation plays and this can change back and forth over time.
- One size does not always fit all. Rural Council legacy landfills are not the same as large urban landfills. Neither is the geology and historic management. EPA need to be more consultative when developing policy associated with these types of issues and working with local government to address the impacts of these sites.
- Consideration should be made to using landfill levy funds to establish not for profit or disability service provider based models that dismantle or process waste materials so that component parts can be recovered and recycled.
- Social licence to operate and environmental justice. EPA need to ensure that these principles are not strictly applied to existing landfills. Approved landfills that have followed the planning and licencing processes have effectively been through the process of obtaining a social license to operate and have addressed environmental justice. In addition these sites have continuously had additional compliance requirements applied further reducing the risk of environmental or human health impacts. This is a key challenge facing these principles, how to balance these influences especially on sites such as landfills that are required and need to be placed somewhere.
- The current EPA appears to be under resourced, lacks a clear understanding of its role and how to assist organisations such as local government to achieve compliance. At times the EPA behave like the regulator and at other times they appear to want to be a collaborator. There does not appear to be a consistency to which approach will occur at any particular time. Any new approach should address these inconsistencies.

Page 24 — Priority waste streams in Victoria.

Some of the examples used, for example e-waste and tyres come at a significant cost to Council and communities. In addition the success of the National Television and Computer Recycling Scheme in meeting targets has left many Councils footing the bill for the processing of these materials. Using the landfill levy to fund not for profit organisations to deal with the recycling of some of these materials would be worthy of investigation.

In relation to organics there is very limited flexibility or clear direction to allow for the development of options to deal with the processing and use of organics. Contrary to the inference that the influence of the EPA and other organisations in reducing this waste stream has been successful local governments across the state have large stockpiles of material with no end use and some material is being used for purposes that are not fit for purpose in an attempt to get rid of it.

Thank you for the opportunity to provide a submission to this important Inquiry. If you have any questions in relation to any of the points raised please contact me on (03) 5481 2200.

Yours faithfully



JASON RUSSELL
CHIEF EXECUTIVE OFFICER