



WASTE INDUSTRY ALLIANCE
Victoria

SUBMISSION

1 November 2015

TO: Ministerial Advisory Committee
Independent Inquiry into the Environment Protection Authority
PO Box 21428
Little Lonsdale Street, VIC 8011

RE: Examining the future task of Victoria's Environment Protection Authority

Delivery via email to: info@epa-inquiry.vic.gov.au

The Waste Industry Alliance Victoria (WIA) welcomes the opportunity to provide a submission to the Independent Inquiry into the Environment Protection Authority (EPA).

INTRODUCTION

The WIA represents five of the largest waste management companies in Victoria – Hanson Landfill Services, KS Environmental, SUEZ, Transpacific Industries and Veolia Environmental Services.

These companies are diverse businesses that work across the complete waste and resource recovery sector with interests in waste collection and transport; transfer stations and waste separation operations; waste recovery, reuse and composting facilities; landfill and disposal sites; and waste to energy projects.

The core purpose of the WIA is to advocate the benefits to the economy and the community of a high performing waste industry to the State Government of Victoria through:

- promoting increased private sector investment in the waste and resource recovery industry
- appropriate and consistent regulation and enforcement
- support for increased growth and jobs in the waste and resource recovery industry
- collaboration on improved environmental and community outcomes associated with the waste and resource recovery industry; and
- a commitment to best practice.

SUBMISSION

The WIA offers the following comments relevant to the Discussion Paper.

A changing Victoria

The WIA concurs with the information provided in the Discussion Paper¹ relevant to increases in population, consumption, urban density, waste generation and community expectations. The WIA agrees that the speed of change within the economic, technological, environmental and government sectors requires the EPA to sustain the **ability to forecast** the needs of the future and a **dynamic policy framework** to respond effectively in a timely manner to changing needs.

About the EPA

As outlined in INTRODUCTION above, the WIA advocates **appropriate and consistent regulation and enforcement** ensuring best practice.

To achieve this objective, WIA believes that the EPA of the future needs to maintain relevance, have the capabilities and power to fulfil its fundamental purpose, and deliver support and advice in addition to compliance enforcement. To fulfil these principles, the EPA should:

- be well-resourced with appropriate technical expertise reflecting current and future technology, processes and changing waste types;
- ensure legislative compliance is enforced consistently across all waste types and processes;
- utilise historical data to undertake analysis and research to provide guidance and advice;
- work in partnership with industry to forecast changing waste profiles, volumes and processes;
- work collaboratively with other government departments and agencies, such as Planning, Local Government and Health, to ensure integrated strategic land use planning, protection from urban encroachment and that buffer zones are strictly maintained;
- ensure decision-making is streamlined and timely, conducting all processes within a specified framework and timeframe;
- advocate and proactively participate in delivering a broad education process promoting the waste and resource recovery as a vital essential community service and an opportunity for all to share the responsibility; and
- expand the *Earned Autonomy Pilot Program*² to acknowledge and reward consistently excellent environmental performance and encourage best practice.

The current strategic processes and practices of the EPA:

- can become reactive and protracted, while industry would prefer an authority that is advisory, supportive and streamlined;
- in some areas, EPA lacks relevant technical expertise creating reliance on external expertise for confirmation of legislative approvals compliance; and
- reduces industry's ability and certainty to plan for the future, increasing investment risk.

How we get there

The WIA concurs with the concept of business and the community working in partnership with the EPA as outlined in the Discussion Paper³. However, to successfully achieve this, consideration needs to be given to the following:

¹ *Examining the future task of Victoria's Environment Protection Authority*, Discussion Paper, Ministerial Advisory Committee for the Inquiry into the Environment Protection Authority, August 2015, Chapter 3, A Changing Victoria, pp 6 - 12

² <http://www.epa.vic.gov.au/business-and-industry/guidelines/licensing-and-works-approvals/earned-autonomy-pilot>, sourced 20.10.2015

³ *Examining the future task of Victoria's Environment Protection Authority*, Discussion Paper, Ministerial Advisory Committee for the Inquiry into the Environment Protection Authority, August 2015, Chapter 3, A Changing Victoria, p20

Government:

- EPA policies and processes need to be integrated with planning and regulatory frameworks across all levels of government;
- Clearly defined roles and responsibilities of regulators and co-regulators need to be developed and promoted; and
- EPA needs to work across all levels of government to protect current facilities from urban encroachment and ensure confidence in long-term planning for the location, zoning and security of future waste and resource recovery facilities while protecting the community's right to a safe and healthy environment.

Industry:

- EPA needs to acknowledge that the waste and resource recovery industry is an essential community service with well documented future growth that requires guidance and support to develop effectively and responsibly;
- Ensure approvals processes clearly define required methodology to be used and are conducted within set timeframes, reducing resource commitments and investment risk;
- Processes are undertaken in a more collaborative, supportive manner complementing the requirement for compliance and enforcement management; and
- Actively participate with industry to engage with community throughout the approvals development process and ongoing management of the facility.

Community:

- EPA should support Sustainability Victoria in the delivery of an education program that educates the public about waste. It needs to be a factual broad waste and resource recovery education program that raises awareness of environmental laws and regulations; environmental quality; the environmental and health impacts of activities and the relevant organisation's duty of care; and EPA's role and jurisdiction. Until this information is broadly understood, sustainable engagement between all relevant parties is impeded; and
- EPA's movement from a complaint model allowing "more strategic and integrated interventions by engaging with and empowering communities"⁴ needs also to be developed in partnership with and responsive to industry. For example, the current complaint process does not work actively with industry for issue notification or resolution.

Environmental Justice:

- Current definitions of the principle of *Environmental Justice* provided by EPA in the Discussion Paper⁵ do not offer an opportunity to develop and manage waste and resource recovery facilities in a sustainable manner. WIA supports the concept of environmental justice offering "all members of society", inclusive of residents, community, industry and government, the opportunity to participate in the decision-making process.
- WIA believes the definitions proposed in the Discussion Paper have the potential to develop an imbalance of issue representation, sponsoring a perception of higher order and influence amongst community members; and
- While the restorative justice process has benefits for all parties, the WIA believes it should only be applied to high risk enforcement actions resulting from an excessive number of complaints or specific Penalty Infringement Notices issued by EPA.

EPA:

- EPA planning and regulatory frameworks need to be integrated across all levels of government, particularly local government. Current industry investment in resources and

⁴ *Examining the future task of Victoria's Environment Protection Authority*, Discussion Paper, Ministerial Advisory Committee for the Inquiry into the Environment Protection Authority, August 2015, Chapter 3, A Changing Victoria, p7

⁵ *Examining the future task of Victoria's Environment Protection Authority*, Discussion Paper, Ministerial Advisory Committee for the Inquiry into the Environment Protection Authority, August 2015, Chapter 3, A Changing Victoria, p26

- funding to fulfil disparate State and Local Government requirements are creating uncertainty for industry and increasing investment risk;
- EPA application and approval processes need to be streamlined with set timeframes, improved understanding of key issues to be addressed, detail required and methodology to be used;
 - Legislative compliance and enforcement needs to offer a more consistent, balanced and transparent process. For example, EPA's inability to enforce regulations relevant to the movement interstate of prescribed industrial waste has negatively impacted industry and the community;
 - Improvement of data management offering opportunity to undertake analysis and research to identify potential risks and identify and foster potential industry partnerships for resource recovery end markets;
 - Data sharing with other government departments to maximise protection of the community's right to a safe and healthy environment. For example, identification and treatment of prescribed industrial waste recorded on property title;
 - Improving relevant technical expertise of EPA staff to advise, assess and develop solutions for waste and resource recovery process development and management; and
 - Work more closely with industry to ensure development of compliant processes relevant to current and future needs.

Other regulators and regulatory models

WIA recommends consideration of the legislated regulations of two States:

- The NSW Proximity Rule - the Protection of the Environment Operations (Waste) Regulation 2014 (the Regulation) came into effect on 1 November 2014 and stipulates that waste generated in New South Wales cannot be transported by motor vehicle for disposal more than 150 kilometres from where it was generated. This rule protects waste and resource recovery infrastructure investment, resourcing and management.
- WA - In accordance with the *Waste Avoidance and Resource Recovery Act 2007 (WARR Act)*, not less than 25% of the forecast levy amount in each year is allocated by the Minister for Environment to the WARR Account. Funds in the WARR Account are used for programs supporting the Waste Strategy through the Business Plan. This guaranteed annual reinvestment in the industry provides greater certainty and ability to confidently develop and respond to future needs.

Other considerations

WIA is concerned that revised regulation to cut "red tape" and "return overall cost of pollution to polluters"⁶ has the potential to increase costs to industry. There should be no cost shifting to industry to meet revised regulation.

WIA looks forward to working with the State Government to achieve these recommendations.

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⁶ *Examining the future task of Victoria's Environment Protection Authority*, Discussion Paper, Ministerial Advisory Committee for the Inquiry into the Environment Protection Authority, August 2015, Chapter 3, A Changing Victoria, p27