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Submission to the EPA inquiry

Dr Joe Pickin, 14 October 2015

This submission focuses on EPA's role in solid waste regulation. I am a consultant with about 20 years' experience in relation to waste management in Victoria. My points are made in no particular order. Several of them refer to opportunities to amend the Environment Protection Act.

1. For almost two decades the Act has required regional waste groups to prepare plans to govern the filling sequence of landfills. Those plans have relied on poor quality estimates, usually from voluntarily-supplied data from landfills. This is akin to oil policy relying on Saudi Arabia's estimates of its reserves. EPA licences should require annual, tightly-defined estimates of approved, planned and hoped-for airspace capacity that separately covers inert and putrescible sites, and supply that data to regional groups and Sustainability Victoria. This has been repeatedly requested for many years with minimal success.
2. Landfill levy data is obtained under confidentiality requirements that are interpreted differently by different EPA staff and solicitors. Sometimes other agencies and their consultants can obtain this data; sometimes not. Clarity is needed. Landfills provide an essential service and operate by the grace of the State. I see no reason why their waste receipts need to be confidential.
3. I can (but, for confidentiality reasons, will not) cite several examples of insular EPA data processes resulting in expensive duplication, confusion or inconsistencies – including in the development of *Towards Zero Waste* and *Getting Full Value*. Things have improved in recent years, but roles and inter-agency accessibility in relation to data remain far from seamless. Protocols for data responsibilities, interpretation and access should be established.
4. Policy in relation to prescribed waste is largely isolated from policy in relation to non-prescribed waste. This is despite the fact that most prescribed waste is disposed of or processed in infrastructure that accepts non-hazardous waste. Opportunities for integration and data sharing should be pursued.
5. Victoria is the only state that provides a landfill levy rebate for cover materials. This is a blanket 15% notwithstanding the actual source or quantity of the material used. In reality, most large sites obtain their cover from on-site activities, and use of cover is now at much lower levels than 15% because airspace is too valuable to waste in this way (sites often strip back cover at the start of the day for later reuse). I estimate that the quantity of cover from offsite sources used in Victoria is less than 2% of waste received. The blanket rebate is an unnecessary anachronism that distorts the market in favour of sites with on-site sources of cover, and confuses waste reporting at the state and national levels. An alternative system should be established that reflects real data. This would increase levy revenues by tens of millions of dollars per year.
6. Non-hazardous waste planning at local, regional, state and national levels is undertaken with reference to three main streams: municipal; commercial and industrial (C&I); and construction and demolition (C&D) waste. Landfill levy returns provide the data source for the disposal components of these waste streams. Victoria is one of only three jurisdictions unable to distinguish between the C&I and C&D streams in their collated data (they are grouped as

'industrial waste'). This means planners need to estimate the proportions in each stream through reference to periodic 'snapshot' audits. Most landfills already record these streams separately, and it would be easy for EPA to require reporting on this basis. This should be implemented.

7. Definitions of reuse, resource recovery and recycling are needed in the Act. One reason for this is ambiguity as to the circumstances in which a landfill is eligible for the Section 50SA recycling rebate.
8. Now that landfill levies are significant, there is an incentive for unscrupulous or naïve operators to accept material for recycling at prices that are competitive with landfill but inadequate for recycling. The result is material dumps that become a state liability. The tyre stockpile in Stawell appears to be an example, and there are others in Victoria and interstate. There is potential to resolve this problem through the use of financial assurances.
9. Lastly, I hope the temptation for 'rebranding' is resisted. Everyone knows EPA. On the other hand, the role of DELWP – now on its seventh name in 25 years – is poorly understood. Rebranding government agencies confuses the community and wastes money.

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

No Answer

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

No Answer

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

No Answer

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

No Answer

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

No Answer

What role should the EPA play in emergency management?

Training. Management of significant pollution.

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

No Answer

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

No Answer

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

Given inconsistent, weak and politicised nationally policy making, there should be a trigger for EPA control of large emissions of the main gases. The trigger does not necessarily need to be pressed.

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

I don't. This is a US term associated with the clustering of noxious facilities near black communities. I don't see it has much applicability in Victoria, where poverty is less clearly associated with identifiable racial groups. Obviously noxious industries are going to cluster near each other, and obviously that reduces local property prices, and obviously poorer people live in cheaper houses.

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?

No Answer

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

No Answer

What can the EPA do to avoid potential future problems?

No Answer