

31st October 2015

Suite 3A, Level 3, 5 Belmore Street
BURWOOD NSW 2134
t 02 8746 5000
enquiries@wmaa.asn.au
www.wmaa.asn.au
ABN 78 071 897 848

EPA Inquiry
PO Box 21428
Little Lonsdale Street
Melbourne Vic 8011

'Examining the future task of Victoria's Environment Protection Authority' Discussion Paper

The Waste Management Association of Australia (WMAA) is pleased to provide a Submission to the *'Examining the future task of Victoria's Environment Protection Authority'* Discussion Paper.

In preparing the Submission, we have consulted with the Victorian Landfill Working Group of WMAA; this group comprises landfill owners, operators, EPA Appointed Environmental Auditors, suppliers and consultants that service the landfill industry; this group regularly engages with the staff of the Victorian EPA.

As noted in the discussion paper, disposal of municipal solid waste (MSW), commercial and industrial waste (C&I), and construction and demolition waste (C&D) to landfill will continue for the foreseeable future at the current rates. Landfilled waste will be one quarter to one third of the total waste stream (SWRRIP 2015).

While noting the issues raised in the Discussion Paper, this submission focuses on four areas we wish to highlight in the context of the EPA operations and interaction with the landfill sector :

- Environmental justice
- Landfill policy development and implementation
- Approval timing
- EPA Resourcing

1. Environmental Justice

The recently released Statewide Waste and Resource Recovery Infrastructure Plan (SWRRIP) included the concept of Environmental Justice; this concept features in the EPA discussion paper also. It is noted that Environmental Justice is not one of the Principles stated in the *Environment Protection Act*.

The SWRRIP uses the concept in connection with community engagement, and states that the environmental benefits and impacts should be distributed proportionately. The EPA discussion paper also notes that the proposed hub and spoke approach has the potential for those members of the community to bear a disproportionate burden of impacts. This would appear to be in conflict with the current planning system, which co-locates less desirable industries within industrial zones.

We understand Environmental Justice to be genuine engagement with the community which is directly impacted by the proposed facility to provide the opportunity for meaningful input into the development. This involves genuine consultation, and not just the provision of information.

We consider that the appropriate framework for consultation is already present in the existing legislation, and that the introduction of an additional layer of approvals is unnecessary, and would create unnecessary time and cost to the approvals process.

Waste management, and in particular the siting of waste management facilities, is always a contentious issue with the community. The SWRRIP states that within the context of waste and resource recovery planning environmental justice that infrastructure proponents need to (1) openly communicate details of their projects to impacted communities as soon as practical details are available and (2) ensure that needed infrastructure is not unfairly concentrated in an area.

We note that many other industries already have guidelines for community consultation including the mining industry, the CFA, and wind and solar energy developments. We consider that rather than creating an additional approvals process, the Environmental Justice objectives could be better served by developing a set of community consultation guidelines specifically for waste management facilities. WMAA is ideally placed to assist with the development of these guidelines.

2. Landfill policy development and implementation

There are issues we wish to raise regarding the process for changing requirements for operators and owners, and improving the communication on these matters.

It is now the case that new licensing requirements can be imposed without notice, and without consultation with existing license holders.

An example of this is the need to submit a construction verification audit report or an audit addendum report for the placement of protective sand layers over/against side batters. As this is undertaken progressively with filling of the cell, this creates a significant cost and organisational burden. It is understood there was no consultation with landfill owners or operators prior to implementing this requirement.

Other examples which have been introduced in this manner in recent months include:

- interpretation of the base of waste (base of aggregate or base of sump)

-the need to use coated GCL

-introduction of the need to install horizontal gas collection systems in active landfill cells.

In this situation, the first indication that an owner or operator knows of the changes is when their Auditor seeks to enforce the new requirements. There is no formal explanation from the Victorian EPA regarding what is required to adequately fulfil these requirements, and the decision is left to the Auditors; in the experience of our Members, there are significant inconsistencies in the interpretation of the requirements.

To address this, we recommend a channel of communication between the Auditors meeting and the landfill sector. This could be facilitated in the following ways: having a representative from the WMAA Working Group attend Auditor meetings to report back to the group or alternatively, provide a copy of the minutes of the Auditor meetings to the Working Group.

3. Approval Timing

The lead time for construction of a new landfill cell has increased significantly in recent years; our members report two years as the timeframe to bring a new landfill cell on-line. Some of this timing is due to increased MQA and CQA requirements, but a significant portion of this time is the approval process itself. Designs and As-built reports are reviewed and signed off by the Auditor, whose role is to ensure all the documentation complies with the requirements. As the Auditor is the EPA's appointed representative, this should be sufficient, however now in addition, the EPA needs to review and approve each document. This is viewed as problematic for two reasons:

- it undermines the Auditor's authority; and
- the review process adds significantly to the timing.

If the document complies with the necessary requirements, as confirmed by Auditor signoff, then there is no need for an additional review. If a final EPA review is deemed necessary for oversight purposes, then this should be time limited to avoid unnecessary time extensions. A maximum time limit of one week is requested, after which time the report is considered to be approved unless an EPA response is received within this time.

4. Resourcing of the Victorian EPA

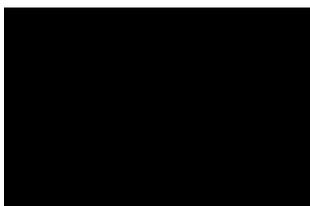
This issue relates to issue 3, above. There is currently an approvals 'bottleneck' within EPA centring on design and documentation approvals. WMAA recognises the excellent but difficult job undertaken by EPA's Lead Assessor Waste Management Development Assessment (EPA Lead Assessor) and this is in no means as criticism of the work, merely a reflection that there is only one person fulfilling this role.

We understand EPA has recognised this previously and has established a team of staff to carry some of the load. WMAA members are finding, however, that virtually all matters are ultimately referred to the EPA Lead Assessor, and that the internal referral process has conversely extended the approval process, rather than shortening it. We suggest the processes around this be reviewed, and perhaps broaden the criteria for work that can be approved without referral to the EPA Lead Assessor.

If the issue is one of resourcing, it is recommended additional resources be engaged using the funding collected from the Landfill Levy. Currently the bulk of the levy money is kept within the Department of Environment, Land, Water and Planning (DELWP) sustainability fund for projects which have not yet been identified. WMAA would prefer that a portion of this money is used to ensure EPA is adequately resourced.

Thank you for the opportunity to provide this feedback to the review; please do not hesitate to contact Stephen Holland if you have any questions.

Yours sincerely



Martin Tolar
Chief Executive Officer
Waste Management Association of Australia

CONTACT FOR THIS SUBMISSION IS:
Stephen Holland
Waste Management Association of Australia
e [REDACTED] M [REDACTED]