

30 October 2015

Ms Penny Armytage
Chairperson
Ministerial Advisory Committee
Independent Inquiry into the Environment Protection Authority

Dear Ms Armytage

MFB Submission – Review of the EPA

I refer to the call for submissions into the Ministerial Advisory Committee review of the Environment Protection Authority to examine the powers and resourcing of the State's environmental regulator and to ensure the EPA is best prepared to act on community concerns and tackle modern day challenges such as pollution and contamination.

The MFB is interested in those aspects of the review that relate to the EPA's emergency response capability, which are currently set out under the Emergency Management Manual Victoria (EMMV).

The MFB notes that the EPA's emergency response capability was recently considered as part of the Hazelwood Mine Fire Inquiry (Hazelwood Inquiry) and that recommendations were made to improve rapid air quality monitoring to ensure early involvement of the EPA in these types of incidents.

The MFB supports the recommendations made by the Hazelwood Inquiry and continues to work with the EPA and government on the development of this important cross-government initiative. The implementation of these recommendations is the subject of annual reporting by the Hazelwood Implementation Monitor.

The MFB supports a fully funded EPA with an emergency response capability to assist in providing support and information to the MFB and other emergency service organisations in responding to emergency incidents. The MFB considers this capability must also be resourced (both in terms of integrated and compatible equipment and personnel) to ensure the EPA is in a position to attend incidents as early as possible and with a highly skilled workforce.

The MFB recognises the role of the EPA in undertaking environmental monitoring to assess the environmental impacts of emergencies and the wider impacts to the community. The importance of this capability was highlighted by the Hazelwood Mine Fire.

This is important as the MFB's primary role as a Control Agency is to address impacts to the immediate environment and nearby residents and to conduct limited monitoring to assess environmental impacts of

emergencies for the purpose of providing important advice and assistance to MFB personnel in compliance with obligations under Occupational Health and Safety legislation.

The MFB looks forward to the outcome of this review and any further opportunities to improve EPA's emergency response capability and to achieve greater interoperability between the MFB and EPA. To this extent, the MFB is prepared to assist the EPA by providing knowledge and support in the development of the EPA's emergency response capability.

Emergency Arrangements -Hazmat Incidents and Pollution into inland Waters

Under arrangements listed in the EMMV, the MFB is the Control Agency and EPA is a Key Support Agency for emergencies involving hazardous materials (HazMat) and pollution into inland waters. The MFB responds to hundreds of HazMat incidents every year ranging from small petrol spills to leaks from 20000 litre tanks involving highly toxic dangerous goods. Fire suppression activities can also lead to potential pollution of inland waters. The MFB regularly engage EPA to participate in the environmental management and recovery aspects for the larger of these events and it is the EPA that conducts important environmental monitoring.

The response activities of EPA listed under the EMMV are:

- Assessing the environmental impact of emergencies.
- Determining practical measures to protect the environment.
- Advising the emergency services on the properties and environmental impacts of hazardous materials.
- Ensuring that appropriate disposal methods are adopted for wastes resulting from response activities.

Other Relief/Recovery Activities during emergencies include:

- Assessing environmental impacts of emergencies.
- Ensuring that appropriate disposal methods are adopted.
- Advising affected persons on the properties and environmental impacts of hazardous materials.

Past Relationship

Historically, MFB relied heavily upon EPA and other state agencies when responding to fires and chemical emergencies. During large-scale events such as the Butler's Transport, United Transport and Coode Island fires in the late 80's and early 90's, EPA provided invaluable expert advice in relation to chemical products, and potential environmental and community impacts of the fires.

During these times, MFB and EPA had a strong partnership when responding to chemical emergencies, in large part because EPA responded with officers experienced in chemical management, and

MFB could take advantage of this expertise in the wider context of managing the emergency.

This relationship is in line with the EMMV arrangements and EPA's Support Agency Role.

Current Situation

In recent times the MFB has brought scientific expertise in-house and currently employs 3 qualified chemists (Scientific Officers) and has trained specialised HazMat Technicians to ensure technical advice to MFB Incident Managers is always available. For practical purposes, MFB no longer engage EPA to provide chemical advice at incidents. However, the MFB would welcome additional support and capability in this area in circumstances where the EPA attends incidents as early as possible and the personnel attending have a high degree of technical expertise.

There are aspects of emergency management response where the MFB still continues to rely on the EPA.

EPA has an important role in the recovery phase of an emergency. MFB will leave a HazMat incident once the scene is rendered safe. This will be after chemicals are contained, and sufficient clean-up has been performed so that non-emergency crews can enter the site for further remediation. Although MFB will not hand-over a site until it is safe, it is the responsibility of EPA to ensure that the site is remediated to the appropriate environmental standard. EPA Officers are empowered to direct polluters to clean up under section 62B of the Environment Protection Act 1970. This power can be critical for the timely recovery after an incident. It is important that EPA Officers attend the incident before MFB leave to allow proper handover of the site.

Equally important is for EPA Officers, with the appropriate expertise, to monitor and provide advice to the incident controller on the broader effects of the incident on the surrounding environment, including the community. This may involve checking the extent of environmental contamination in the surrounding area or performing air quality monitoring in the community downwind of the incident site. During an incident, MFB HazMat technical resources including HazMat Technicians and Scientific Officers, are generally occupied with mitigation work and protecting people in the immediate area from the most harmful effects of the hazardous material release. It is not the role of the MFB (nor does it receive appropriate funding) to provide extensive monitoring of the environment and the broader community during an incident.

Hazelwood Mine Fire

The Hazelwood Mine Fire Inquiry made findings and recommendations in relation to the EPA's emergency response capability, including in the context of rapid air quality monitoring (recommendation 5). The MFB

has been actively involved in providing input to Emergency Management Victoria and the EPA in relation to implementation of these recommendations and welcomes the outcomes of this cross-government initiative.

The implementation of recommendations out of the Hazelwood Mine Fire Inquiry in 2014 is to be reported on as part of the Hazelwood Implementation Monitor's Annual Report.

Interoperability

The MFB recognises the importance of interoperability and the need to share knowledge and expertise between the EPA and the MFB to ensure the best outcomes when responding to Hazmat incidents and pollution into inland waters.

Accordingly, the MFB is prepared to assist the EPA by providing knowledge and support in the on-going development of the EPA's emergency response capability.

Conclusions

The following conclusions are provided with respect to EPA involvement at emergency events:

- EPA has a critical role in community and environment protection during and after HazMat incidents and fires;
- The MFB recognises the role of the EPA to provide important environmental monitoring to assess the environmental impacts of emergencies and the wider impacts to the community;
- The EPA's emergency response capability must be fully funded and resourced (both in terms of integrated and compatible equipment and personnel) to ensure the EPA is in a position to attend incidents as early as possible and with a highly skilled workforce.
- The MFB's role as Control Agency for Hazmat Incidents does not include extensive community and environmental monitoring during incidents and the MFB relies on the EPA for this support.



Peter Rau
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