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Ministerial Advisory Committee
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Submission from the Victorian Waste Management Association Examining the future task of Victoria's EPA

What does Industry want a future EPA to look like?

Our contribution will address the 3 key areas identified in the Discussion Paper but focus on the latter two issues that are more relevant to the waste and resource recovery industry.

1. Responding to Community concerns
2. Improving regulatory efficiency and effectiveness
3. Combining environmental protection with economic viability

Responding to community concerns in an appropriate manner

The EPA's has successfully defended its role of protecting the environment since its inception in 1970 and has done this in partnership with the community utilising its eyes and ears. The VWMA believes that the community understands this relationship well.

Citizen participation has always been an integral part of the EPA's consideration of environmental aspects of industrial development, eg Section 20B enables public involvement in determining matters such as works and licence approvals while Section 33B allows third parties to challenge decisions of the EPA.

The VWMA notes in the discussion paper that key community concerns generally relate to past practices that might have contributed to potential exposure of hazardous and carcinogenic chemicals.

The VWMA believes that past legacy issues need to continue to be treated in a manner that does not raise unnecessary alarm within the community. The EPA's current 5 year plan that in part deals with legacy issues should be promoted and communicated more widely and the messages developed should highlight the EPA's scientific professionalism and expertise in being able to deal with these issues thus building confidence in the community.

As a general comment, industry (and particularly the waste industry) has traditionally been portrayed poorly by the EPA and the community, that it is always the villain of the piece. We believe that the EPA needs to tread a careful balance between assuring the

community that its concerns are respected but not overblown and responding appropriately when working with industry.

The EPA's role should be ultimately to work with industry to help it comply and meet its environmental obligations. Industry provides the economic and labour activity that generates the wealth of Victoria. The EPA has a key role in protecting this key asset also.

However we believe the concept of community needs to be broadened to include industry to reduce the "us vs them" dynamic. The EPA needs to build confidence of the community that it works with industry to achieve best practice environmental values within the economic framework. We do not want to see the EPA being used as a blunt instrument by the community to attack industry. A future EPA should be about sustainable environmental outcomes and sustainable economic outcomes.

Improving Regulatory Efficiency and Effectiveness

When the EPA Act was first brought in, it was to address point sources of pollution such as discharges to the atmosphere, water and land. A number of policies (SEPPs) were subsequently developed to set standards for air and water quality and other factors.

The biggest complaint heard by industry with respect to the EPA is the delay and the resultant costs in processing applications for works approvals. While it is acknowledged that the EPA has brought in a "fast tracked process" to address delays for minimal impact applications, the process is still confusing for industry and assistance within the EPA can be hard to find. There are often not enough subject specialists to assist in the preparation of paperwork, leading to frustration and delays. The VWMA believes there should a greater use of Government expertise that assists business and a management of the EPA. We note the release of the document in mid-October "Victoria's Waste and Resource Recovery Infrastructure Investment Prospectus", which highlights opportunities within the waste and resource recovery sectors for industry investment. The document is a cross portfolio contribution which is exactly the type of collaboration across Government that the VWMA believes is desirable to achieve long term growth in this sector

Overlap issue between state and local governments' environmental requirements

What we believe to be an inefficient and unnecessary requirement for some local councils are the requirements for separate environmental management conditions within their planning schemes.

Any EPA requirements on industry should be sufficient requirement for any development and there should be no further environmental requirements from local government. The whole question of planning has been highlighted in recent years, particularly the lack of contextual planning (ie the consideration of EPA recommendations/guidelines forming parts of planning laws.) Many past planning decisions that have led to significant environmental conflicts between industry and community can be slated home ignoring EPA recommendations for buffer distances etc.

The VWMA believes that the EPA must have a role in determining what suitable land use allocation is, particularly when existing industrial uses find themselves encroached upon by residential housing or other non-compatible uses. While the VWMA accepts that land uses change over time, the need for long term planning of waste infrastructure as identified in the Government's *Statewide Waste and Resource Recovery Implementation Plan* requires greater acknowledgement of EPA advice.

A number of other issues which the VWMA believes should be considered in defining the EPA of the future are:

- Currently, an undue focus on companies that have an existing relationship with the EPA (eg permit, license, works approval etc.) and a poor relationship with companies that “fly under the radar”. As a result, there is a two tier system of a highly regulated and poorly regulated sector. While the VWMA is not advocating for greater regulation across the whole sector, we advocate for the level playing field in applying environmental costs to business and the consistent application of environmental regulations.
- A lack of understanding (or disregard) regarding a commercial imperative – members regularly report delays in even the most straight forward applications for licenses or works approvals. Delays and further requests for information (or in some instances, no response at all) result in frustration and extra cost for the businesses. The EPA has to address a perceived risk averse culture.
- A lack of skilled technical staff who can understand scientific information and can advise applicants of requirements under the Act or provide advice. It is acknowledged that the EPA provides a great training ground for the private sector to entice employees away. If this is the commercial reality, the EPA needs to address by continuing to attract and encourage talent.
- Data collection for its own sake and which could be used to build industrial capacity or inform the market and which could be used to make investment decisions.
- A lack of responsibility in meeting response deadlines as required by the Act.
- A perceived conflict of interest in being both the environmental regulator and collector of landfill levies. The VWMA believes this needs to be clarified.

The EPA's role of enforcement of its Act, gives it, in some instances insufficient leeway when dealing with business. The EPA is reluctant to give advice to waste the industry and the PAN system can work against company's reputations (especially if they are publicly listed). We believe that there needs to be a role for the EPA to advise industry in meetings its obligations – something less formal than a Provisional Abatement Notice which would enable minor issues to be dealt with .

In conclusion, the VWMA acknowledges the EPA's contribution to managing Victoria's environment and the often innovative manner in which it has done so. The Victorian EPA has led the rest of Australia in environmental regulation and it has ensured a well understood benchmark that needs to continue to be the hallmark of the next 40 years.