

“ ATTACK AN EPA PROBLEM

IN TWO WEEKS

NOT

AFTER 20 YEARS”

A NOTE ON HOW TO REFORM THE EPA

The premise of this paper is that it is more efficient, less costly and better for the environment and community if an EPA defined problem is addressed quickly, comprehensively and with transparency.

Based on a documented case

## 1. PROPER PLANNING.

Poor planning can result in operations that have not been approved and with works that have not been objectively tested. This means that operations are not regulated and do not conform with EPA law or policies in regards to noise, emissions and odour. This will have an ongoing detrimental affect on the amenity of a community.

Proper integrated planning between industry and relevant authorities will produce the best planning outcomes. This means that Municipal Councils and other authorities should be required to work with the EPA on all approvals.

The inquiry should review the approval procedures to make it mandatory for the EPA to intervene at the commencement of the planning/construction process. Operations should not be allowed to commence or run without all relevant approvals. Operations should be monitored and objectively tested by all relevant authorities to ensure that there is total compliance of the set conditions.

## 2. NON COMPLIANCE

Non compliance of EPA law and policies need to be quickly identified. It is a waste of EPA resources to focus on years of hotline reporting by the public without taking relevant action. The fact is that a pollution problem will not go away unless remedial action is undertaken.

The EPA should assess non compliance problems with an immediate, transparent, public assessment that can then lead to further relevant testing, consultation and a timetable for remedial action.

Problems should not be allowed to persist for years in an unregulated manner, to the detriment of the environment and the

amenity of the community while ongoing reporting gathers dust in the EPA files.

The Inquiry should review the complaint/reporting practices of the excellent hotline services and examine what action the regional office has taken in regards to each hotline complaint. There is no justification for the public to make multiple ongoing reports on the the same issue for days, weeks, months and years without any response from the EPA.

### 3. STRUCTURAL DIVIDE

There is a divide between the EPA head office, where policies and procedures are developed and the regional offices which are responsible for their implementation. It is all very well to publish best practice documents on the EPA web site but of little use if these are not put into practice on the ground.

It is not clear why the implementation process is flawed. There are issues with limited resources and then there is the difficulty in enforcing compliance measures on operations that the EPA do not wish to upset. The concept of a partnership arrangement has implications for the environment and the amenity of the local community.

The Inquiry should review existing structural arrangements to identify who is responsible for individual decisions, how they are recorded and whether they are consistent with EPA law and policies. There needs to be greater authority vested in the head office and its ability to monitor the operations of the regional offices. There needs to be a clear point of contact for the community regarding an EPA decision or action.

### 4. LEGISLATION AND POLICIES

The Victorian EPA Act 1970 and EPA policies are not clear or transparent. Practices have developed that are not consistent with the objectives of EPA Act 1970. The interpretation of the Act can

provide obstacles and loopholes by which operations in Victoria may be running outside of EPA law and policies without requiring remedial action or penalties. The concept that laws and policies only apply in parts of the state is alien to the principles of the rule of law.

The inquiry should review the EPA Act 1970, EPA policies and examine how they can be amended so that they better achieve their objectives. The review should aim at simplifying the processes so that it is clear that operations that do not conform with EPA law and policies have a clear pathway towards compliance. The outcome should be a reduction in costly retrofitting by industry, an increase in public confidence in the EPA and a greater clarity for the EPA in performing its role.

The Inquiry in particular should review the use of the Long Route retrospective licence process under Section 20(8) EPA Act 1970. It should examine why it is possible to grant a retrospective licence to an operation that is not compliant with its licence conditions but is allowed to continue to operate indefinitely.

## THE FUTURE

The objective of the EPA should be to have all operations 100% consistent and compliant with EPA law and policies and the authority should not allow for ongoing breaches in operations by industry.

There are people in the EPA, industry and the community who have had years of experience in attempting to bring in good practices regarding the impact of operations on the environment. It is essential that the Inquiry change the direction of the EPA so that it achieves its objectives in practice as well as in theory.

The change should start with the Government and Minister. They need to adopt changes recommended by the Inquiry and allocate

adequate resources for the EPA to fulfil its role within an amended legislated framework.

The CEO and executive team need to be given the authority and power to enforce changes through the authority. This should involve greater clarity of roles, accountability, co-ordination and training.

The focus needs to be transparency of the assessment decision making process so that it is clear what action the EPA takes in response to an identified problem regardless of whether there is one person complaining or fifty people.

The Inquiry should review this paper knowing that no one benefits by allowing flawed practices to become institutionalised for decades. The recommended changes in this paper should be examined. For a start, the preparation of a prompt public plan of action to each identified problem would end endless years of inaction, evasion, wasted reporting, frustration and would improve the amenity of the community environment.