

Inquiry into the Environment Protection Authority

**October
2015**

**Residents Against
Toxic Waste in the
South East Inc.**

**Examining the Future task of Victoria's Environment protection
Authority**

**Submission
to the
Independent
Inquiry into
the EPA**

Residents Against Toxic Waste in the South East Inc RATWISE has been in existence since 1998. We have a focus on the management of hazardous waste due to its potential to harm people's health and damage the environment. Specifically we have focussed on the disposal of hazardous waste at the Lyndhurst tip. In more recent years we extended our concerns to the Industry 2 zone in Dandenong South whose hazardous core feeds residual industrial waste into the tip.

The following points are from the above perspective but RATWISE recognise the depth of other roles required of the EPA, that the health and well being of people and the environment are affected by more than hazardous waste and therefore we have an ongoing interest in the overall direction of the EPA.

RATWISE believes there is a critical need for an independent Victorian EPA with an overarching and expanded role: an EPA provided with adequate resources capable of assessing pollution and population growth to address climate change.

RATWISE believes this is a primary requirement of Victorian EPA and the responsibility to embed an appropriate response to climate change lies within the 3 tiers of Government Local, State and Federal.

RATWISE submits:

- 1. Environment Protection as a National Responsibility:** Australia requires National EPA guidelines, goals and timelines consistent throughout the States and territories. The management of waste in all its forms and hazardous categories (A, B and C contamination), hard waste, recycling, and so on. The future of the Victorian EPA would be more secure if this responsibility was driven and 'signed off' at a National level. Within such a model there would be greater transparency, resource and knowledge-sharing, minimising of duplication within a risk based and continuous improvement culture. A good business model is to get one right eg. World's best practise within the Victorian EPA which could then be duplicated right down to the required human resources position descriptions for those within the organisation.
- 2. 2 Organisations – not 1:** We believe the EPA would be better served split into 2 organisations: one serving the purpose of Regulation, and the other the role of Enforcement. This would also assist to avoid any conflict of interest, whether perceived or real in the management of both roles. Once again within an appropriate organisational structure duplication of resources could be kept to a minimum. The two separate organisations roles extended to accommodate the gaps currently not adequately addressed as we aim toward a carbon neutral environment.

It would be necessary to assess or identify where other government bodies which deal with human health and the environment sit in relation to EPA responsibilities and regulations with a view to amalgamation.

3. **Diverse funding streams:** Core funding for the EPA comes from the landfill levy. This has the potential to provide a source of conflict at a time when the push is to minimise rubbish going to landfill – whether it be hard waste, putrescibles or hazardous. The EPA requires separate revenue stream independent of that which it regulates so as not to be seen to be potentially compromised with its own objectives or through government policies.
4. **Role of Advocacy:** The EPA has the ability through the *Environment Protection Act 1970* to recommend or advocate. It is imperative should the EPA have an even greater overall role in protection of the environment then there is a need to be proactive in all issues, but also those which are threatening and controversial to human health and the environment or the real winners are profit making enterprises.
 - Coal seam gas mining and protection of groundwater.
 - Great Barrier Reef.
 - Closing down Hazelwood and opposition for new coal mining ventures.
 - Maintenance of the Green Wedge.
5. **The ‘Precautionary Principle’ and ‘The Right to Know’ within a Risk Based approach:** Whether the EPA is 1 organisation or 2, as first priority all decision-making or regulation works approvals, permits and enforcement need to take this into consideration. The need for regular, consistent (legislated) input from relevant decision-making bodies, especially departments regulating planning.
6. **Planning & other related government bodies:** EPA should not just be a referral body, but an integral part of the planning process. EPA needs to have adequate communication, access, and knowledge sharing across the board with other relevant governing bodies, with faster more streamlined processes, ‘triggers’ for hotspots - benchmarks and goals capable of producing a timely result.

Do planners have too much power and responsibility and/or does the EPA need to assess risk more consistently and with greater authority?

Many permits are granted under delegation within local councils, which has the potential for mediocrity, and indeed misuse. A local example of this is most planning permits do not go through Casey Council unless they are controversial. ‘One Lyndhurst’ a new residential development at 180 Dandenong-Hastings Road, Lyndhurst was not flagged prior to the granting of a planning permit. Currently this

staged development has now progressed to the subdivisional stage. It is barely 1 km from the hazardous waste landfill. When internal council concerns were expressed the EPA was finally used as a referral but EPA initially responded regarding a recycling station located at 180 Dandenong-Hastings Road rather than the hazardous waste landfill. The hazardous waste facility was not acknowledged until the application was referred the second time to the EPA. EPA stood by their initial decision that the new housing development fit within the guidelines.

Note: *Victorian Auditor- General's Report, Sept. 2014, Recommendation, p. XV 13.* That council '*Works with the MWRRG to develop an appropriate planning process/tool to ensure the EPA involvement in any rezoning or application process across Victoria where development adjacent to active or closed landfills may be involved.*

EPA, council and planners need to have easily accessible reliable information, appropriate up to date guidelines which reflect best environmental world practice at their fingertips.

- 7. Hazardous Waste Management Policy:** The EPA is urged to recommend to government the immediate need to develop a hazardous waste management policy and incorporate the management of hazardous waste into all relevant processes to appropriately address landfill issues.

The interests of the community, including but not limited to homeowners, childcare providers, schools, and industry employees, would be seen to be addressed with the management of hazardous waste being part of the conversation. Hazardous Waste has been excluded from the scope of the current Metropolitan Waste and Resource Recovery Implementation Plan being undertaken by the MWRRG.

- 8. Real Estate agents and developers:** To ensure PIW or industry which is otherwise harmful to health or wellbeing or the environment is appropriately recognised EPA reach could extend to have input into other processes or established guidelines such as the regulation of the sale of real estate.

In the spirit of human rights potential buyers need not be disadvantaged by 'buyers beware' mentality when purchasing close to potentially harmful industry or contaminated sites. Where would someone go for advice on a property? The local council is reluctant to give advice and indeed council officers are legally advised to be very astute and careful in providing any information lest they be held liable.

There needs to be in place a mandatory requirement within Section 32 for a full disclosure and EPA could assist in providing it through their data bases.

In relation to the Lyndhurst tip real estate agents have been telling buyers the tip is due to close in 2 years. RATWISE has on countless occasions been informed by residents, and workers close to the Lyndhurst tip they had no idea they were so close to a hazardous waste landfill. This is also true of the Hallam Road landfill

9. Online databases and where relevant, online live Monitoring:

- Air monitoring: A more efficient grid across the state and in growth areas. There is only one air monitoring station around Dandenong at Dandenong Park which is surrounded by trees with wind eddies unlikely to provide accurate wind direction.
- Wind monitoring would provide a simple and cost effective technology for the community to access wind direction for odour.
- Landfill and contaminated land database.
- Database and monitoring for the Storage of dangerous materials, including poisons and agricultural sprays, stockpiles of waste, identification of old or disused by-products or technology to be decommissioned including factories with disused gas.
- The EPA data base needs to be updated on storage of prescribed waste on private properties throughout Victoria.

Hot spots need to be formally acknowledged and publicly listed.

10. Stronger Legislated processes: The aims and objectives of the EPA need to be carefully legislated to ensure public accountability and avoid human error.

Aged technology or process: The EPA needs greater ability to revisit older permits and not be locked into outdated decisions, to have the capacity to enforce appropriate alterations and recommendations and where necessary enforcement. It is a very real scenario some aged industry may need financial assistance to update their technology, or indeed assisted to move to locations with an appropriate buffer away from the community.

- Kingston council refused to extend the life of a concrete crusher. Similar situations can be found round the state as boundaries between industries and residents become increasingly populated.

It is important to note at what point does the potential needs of the community, health concerns (perceived or real) over-ride existing use rights of polluting or degraded industrial technology?

11. BUFFERS around sensitive uses need to be established, increased, and adhered to or if unable a decision-making process needs to be established for the relocation of such facilities to provide protection for the industry from encroachment of sensitive uses such as housing and vice versa.

- Need for prescribed waste planning for the relocation of the Lyndhurst hazardous waste landfill to a more appropriate location in Victoria.
- Need for Industry 2 zones to be placed in more appropriate locations in Victoria.
- Analysis of the Selwyn Fault in relation to the Lyndhurst landfill.

12. New and emerging technology: An EPA as the environmental health watchdog with Research to world's best practice, analysis and decision-making on such issues as electromagnetic emissions eg. Wifi, Smartmeters, mobile telephones. European standards are much more stringent and this technology is being banned in schools. If the EPA does not take on these newer responsibilities, what department will?

- Incineration of Waste vs Autoclaving requires further analysis.
- Hospital waste to be incinerated not autoclaved.
- Food Waste: networks for localised composting facilities. Guidelines for setting up stand alone composting facilities which produce minimal odour, especially for the food industry, hospitals, supermarkets, schools, councils, apartment blocks, community composters and so on.

It is possible they could be incorporated as part of local/regional environment centres which are run in much the same way as local community centres and providing all types of advice, workshops, a venue for recycling and information on lowering utility bills and making homes more sustainable and assisting the community to reduce their carbon footprint.

- Seek out successful overseas models for waste minimisation and management.
- Assist in the development of green enterprises and advanced technologies to boost growth within the economy.
- Hard waste collection: Largely an underutilised resource. Input into a much-improved, replicable and sustainable model for council hard waste collections which incorporate the principles of reduce, reuse, recycle and up cycle. This could involve local councils and community partners, NFP's, charitable organisations, disability and crisis or low income accommodation, including possibly men's sheds. This would dramatically reduce waste to landfill and provide many uses for the waste.

13. Education: Increase the reach and public presence of EPA to the person on the street through a sustainable replicable model, initially brought about through a series of short sharp innovative videos which can reach into everyone's lives. These could be aired through television, schools, libraries, educational facilities, sporting clubs, churches – in fact anywhere where there are people to view them, and available in different languages. An excellent spot in Dandenong would be the large outdoor screen at the civic centre.

14. Vehicle emissions: To advocate toward a cleaner driving future with alternate or less polluting transport within the framework. To minimise car emissions and may include requirements to call in vehicles where necessary for emissions testing (or those over a certain age) and to have greater authority for vehicles to

be upgraded or put off the road. There needs to be government schemes to encourage lower emission driving (such as EV, or hydrogen driven) and incentives to purchase vehicles with advanced technology and zero emissions. (such as advocacy for lower motor vehicle registration costs or removal of import duties) RATWISE notes the *EPA Regulatory Impact Statement – Environment Protection (Vehicle Emissions) Regulations 2013* only relates to petrol driven vehicles. We believe appropriate regulations need to be set for older diesel and gas vehicles, particularly those which emit black fumes.

15. Permanent Input into the EPA from all Stakeholders: This would not only include industry (peer review being one process) and certainly community engagement. (Reference or advisory groups) but also with representatives from the various relevant government departments.

16. Stronger more consistent enforcement: Increase of bonds or financial assurances to better reflect the cost of clean-up of sites and the risk to Victoria. Eg. Hazelwood Power station and The Lyndhurst tip (only \$10,000,000 bond)

17. Signage: In addition to data bases and improved monitoring appropriate signage needs to be placed in contaminated locations and across all regions. A few local examples here are the CALM in Dandenong South, the Industry 2 zone on entry to Ordish Road to indicate industry is offensive or hazardous in the area. The company AceWaste in Ordish Road stores hazardous material and hospital waste, including contraband for incineration had a fire on its premises in the last week or 2. This poses numerous questions but it has been put forward the fire may have been deliberately lit by children. Signage may have assisted. Indeed for the casual observer the hazardous waste tip at Lyndhurst has no signage to indicate what lies beyond the fence.

18. Unlicensed Premises: Through a process of identification some premises may need to be licensed, and/or monitored for emissions or storage of material such as businesses which involve vehicle repair and spray painting.

19. Greenhouse Gas emissions: There is a community expectation and need for a powerful proactive government body to take a broader role in this area. To oversee the development of policy and set targets within a broader framework.

RATWISE believes Victoria's Environment Protection Authority is currently under resourced, and underfunded to achieve many of the above criteria, and others not listed.

RATWISE believes that overall the role of protection of the environment and people's health should lie with the Federal Government, that we need National EPA

guidelines. The Victorian state government would need a complete overhaul of the EPA and its relationship with other decision-making bodies to make these changes.

To better reflect the increasing needs of an expanding population and the expectations of the community the federal and state government would need a cultural shift in their motivation toward climate change issues and the ultimate role of the EPA. In doing so the Victorian EPA would become a model for other states and Australia would become a leader in addressing climate change issues as part of wider world efforts.

Many thanks for the opportunity to submit on this review.

Should more information be required please contact:

Thelma Wakelam on behalf of
Residents Against Toxic Waste in the South East Inc
RATWISE
PO Box 180 Dingley 3173
info@ratwise.org.au