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2022 AEBN National Environmental Compliance Conference

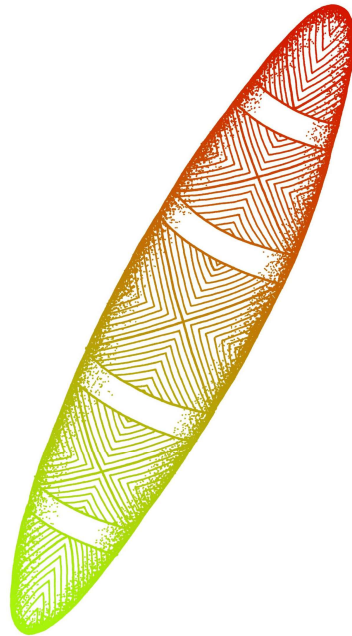
New directions and initiatives of EPA Victoria including new environmental obligations changes and opportunities for business in 2022.

Lee Miezis, Chief Executive Officer

2 March 2022

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Acknowledgment of Country





Who are we?

Environment Protection Authority Victoria (EPA) is Victoria's independent environmental regulator.

We have and continue to undergo the biggest transformation in our 50-year history. Our new Act came into effect on 1 July 2021.

What do we do?

We work with community, industry and business to prevent and reduce the harmful effects of pollution and waste on Victoria's environment and people.

Agenda



Environment Protection Act 2017

- a) General Environmental Duty (GED)
- b) A duties framework
- c) Reasonably practicable

How are we supporting businesses?

- a) 2022 - Greenhouse gas emission guideline
- b) Waste – reducing regulatory barriers
- c) Contaminated land
- d) Guidance for business
- e) Small business program pilot

Questions

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Environment Protection Act 2017

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Environment Protection Act 2017

Prevention

Flexible and risk-based

Information and justice

Modernising EPA

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Environment Protection Act 2017



Consequence based:

The regulatory focus of the EP Act 1970 was **managing pollution**

Prevention based:

Our new focus is **systems to reduce risk** to human health & environment

General Environmental Duty (GED)

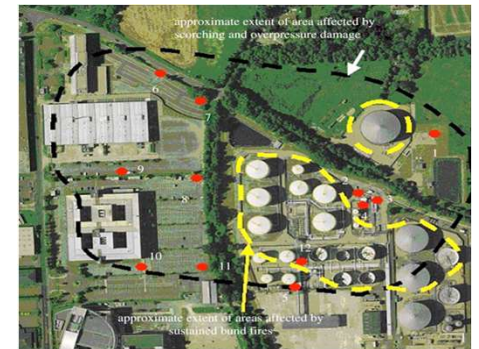
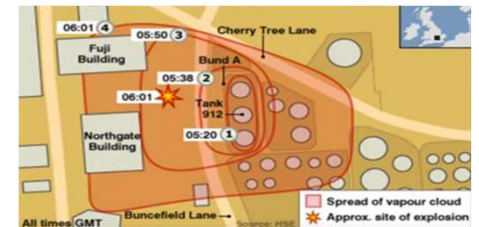
"A person who is engaging in an activity that may give rise to risks of harm to human health or the environment from pollution or waste must minimise those risks, so far as reasonably practicable."

- Modelled on the OHS Act (an approach adopted in Victoria since 1985)
- **Minimise** means to eliminate the risks (as far as reasonably practicable) and if not, reduce the risks.
- Criminal liability for a person conducting a business
- Serious criminal offence – maximum of approximately **\$1.6 million** for a company.



A duties framework

- General environmental duty (preventative duty)
- Duty to restore
- Duty to notify of event
- Duty to manage contamination
- Duty to notify of contamination
- Duty to manage industrial waste disposal
- Duties for priority waste

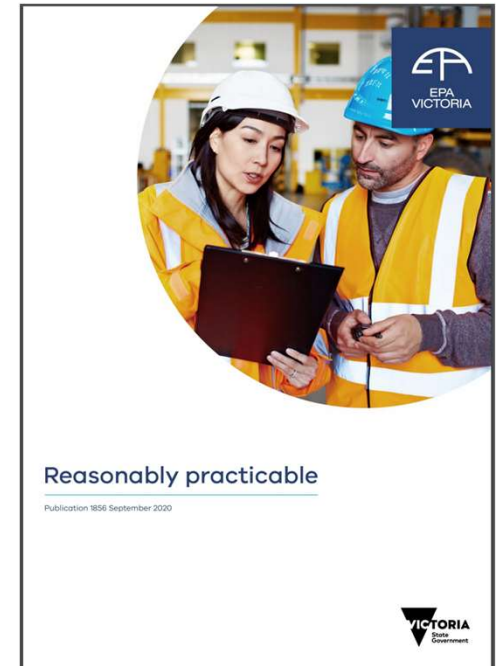


Reasonably practicable

To determine what is ***reasonably practicable*** consider:

- Likelihood;
- The degree of harm;
- What a person ought to know about the risks; and
- available controls:
 - The availability and suitability of ways to eliminate or reduce those risks
 - Costs of eliminating or reducing those risks.

Supported by industry guidance materials to help establish
"state of knowledge"



**How are we supporting
businesses?**

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2022 - Greenhouse gas emission guidelines

- Expected publication in August 2022.
- Guidelines support GED compliance; not new laws
- Forms part of the state of knowledge
- Outlines a risk management approach
- The guideline will support businesses in undertaking these steps
- The draft guideline is available at <https://engage.vic.gov.au/new-draft-guideline-managing-greenhouse-gas-emissions>

Waste – Reducing Regulatory Barriers

- Use of Waste to Energy residuals such as bottom ash
 - Supporting regulatory pathways for the safe use of bottom ash from the thermal destruction of waste
- Use of digestates from anaerobic digestors
 - Identifying regulatory pathways and specifications for the use of beneficial organic material in digestates
- Streamlining collection of small amounts of ULABs
 - Supporting the strong product stewardship approach to used lead acid batteries (ULABs) by allowing for the collection of small amounts of ULABs without the need for a licence or tracking.

Contaminated Land

- Updating guidance on the Duty to Manage and Duty to Notify
- Measuring background levels of naturally occurring substances
- Background levels of arsenic in the Goldfields region
- Notification system and process improvements

Guidance for business

Guidance is developed for:

- Foundational state of knowledge
 - Examples:*
 - *Assessing and controlling risk: A guide for business (16 languages)*
 - *Self-assessment tool for small business (10 languages)*
- Hazards and risk
 - Example:*
 - *Liquid storage and handling guidelines*
- Industry or sector guidance
 - Examples:*
 - *Retail – Guide to preventing harm to people and the environment*
 - *Auto Recyclers Guideline (co-branded with VACC)*
- Visit <https://www.epa.vic.gov.au/for-business/find-a-topic> to find information and guidance on topics of importance to industry.



Small Business Program Pilot

Objective

Delivers direct and tailored expert advice and practical support to small businesses in target sectors



The Pilot Participants

- In collaboration with VACC and DIA
- 72 participants – drycleaners, automotive repair and maintenance and collision repair businesses
- small businesses (limited to businesses employing <60 staff)

The Practical Support

- Independent consultant undertaking site visits
- Advice provided to participants is free, personalised, private and confidential

Delivery

- Completion of Pilot September 2022

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Questions