

Environment Protection Authority Victoria

Suzy Neilan, Executive Director – Strategy (AEBN webinar, 10 March 2023)

# Environment protection in Victoria

## Changes ahead and our expectations for business in 2023



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# Overview

- Current context
- Our regulatory approach & priorities
- What's ahead?
  - applying the general environmental duty
  - waste regulation updates
  - chemicals regulation update



# Who are we?

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

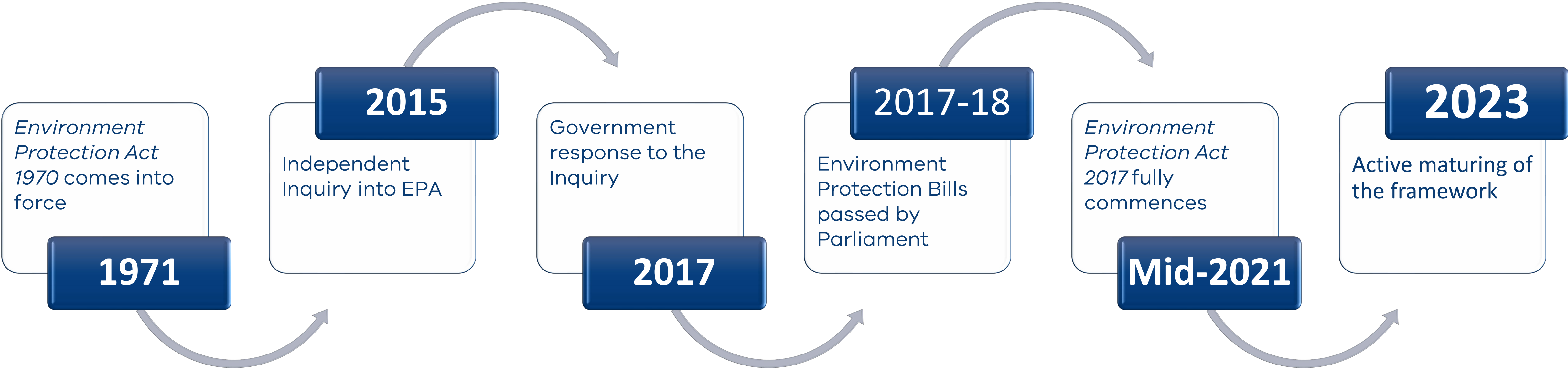
We work with community, industry and business to prevent and reduce the harmful effects of pollution and waste on Victoria's environment and people.

The environment is everyone's business.

[epa.vic.gov.au](http://epa.vic.gov.au)

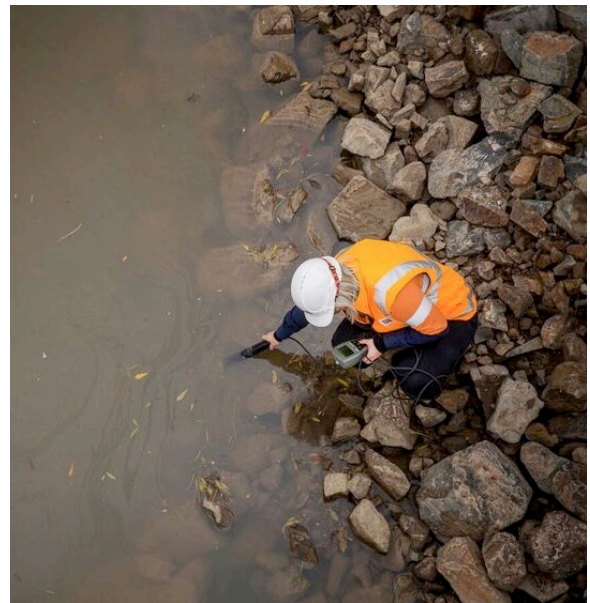
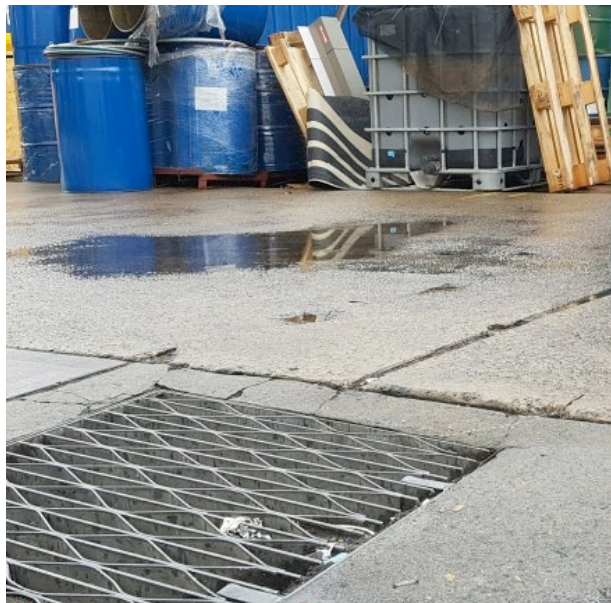


# Approaching two years under our new legislation



# A focus on prevention of harm

Activities



Harm to human health or the environment

## 2017 Act focus

**Preventing** harm by making **risk management** a positive legal obligation

## 1970 Act focus

**Protecting** human health and the environment by **punishing polluters** that **cause** harm





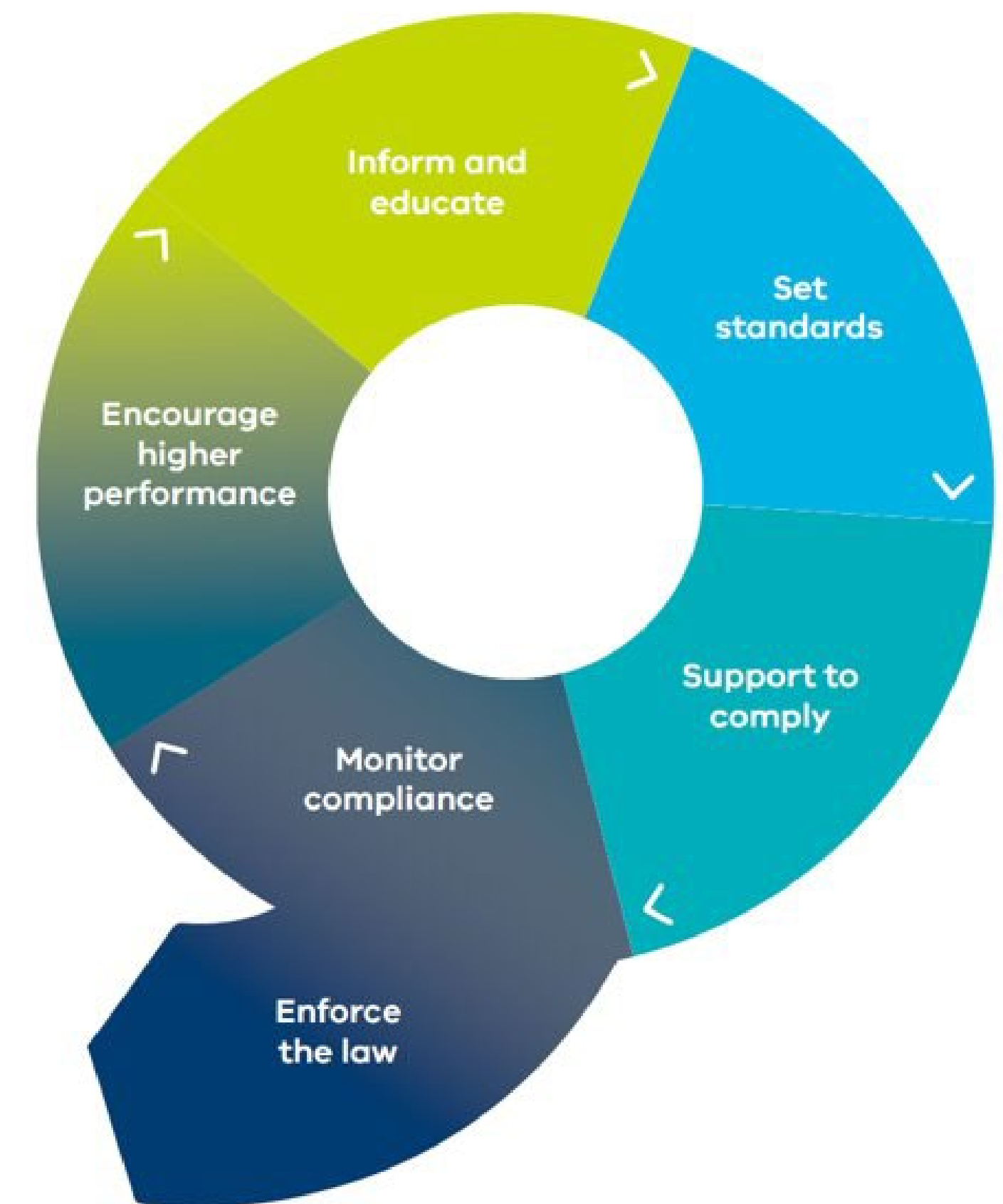
# Our regulatory approach and priorities

For 2023 and beyond

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# EPA's regulatory approach

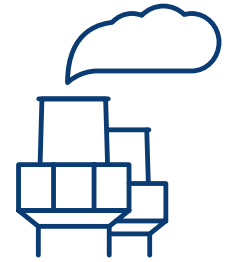
- Raise awareness and build knowledge
- Work with industry on what compliance looks like
- If we see non-compliance, our response will be measured and proportionate
- Deliberate and criminal non-compliance will be taken seriously



**EPA's Regulatory Approach:**

<https://www.epa.vic.gov.au/about-epa/what-we-do/epa-regulatory-approach>

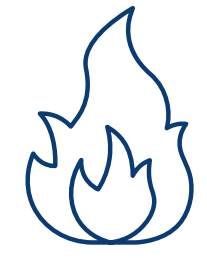
# EPA's harms-led regulatory priorities



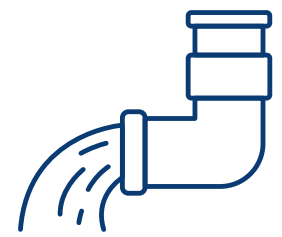
Reducing the impacts to air quality from emissions from large industrial activities.



Reducing the impacts to waterways from the discharge of wastes from wastewater treatment plants.



Preventing fires at high-risk waste and resource recovery activities.



Reducing the impacts from poor waste and stormwater management practices at small industry in urban areas.



Disrupting illicit waste markets and the strengthening of legitimate waste markets.





# What's ahead in 2023?

How will EPA work with businesses? What can businesses expect?

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# Our compliance and enforcement approach

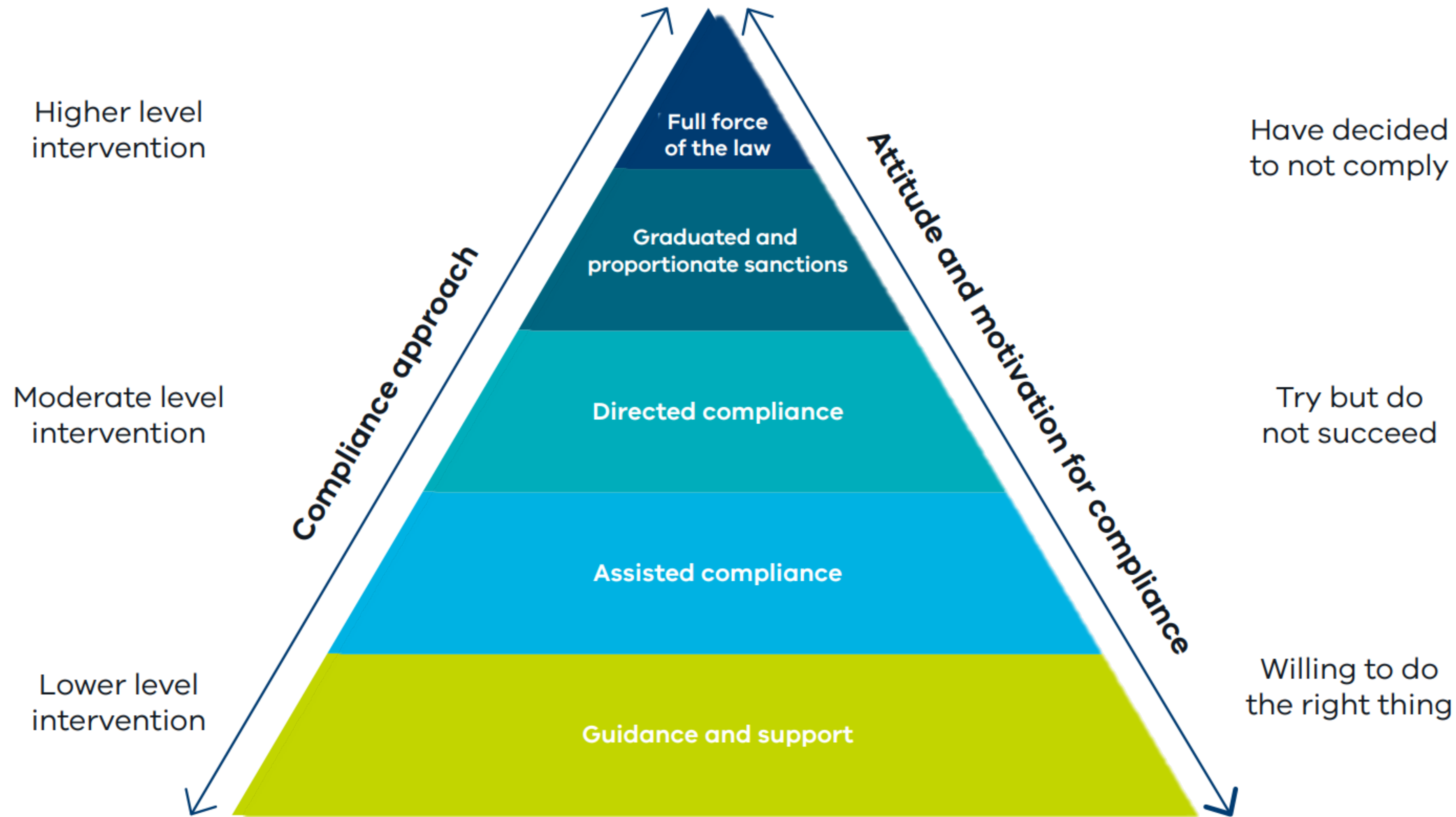


Figure 3 Escalated and responsive approach to enforcement

# Compliance and enforcement activity

8,620 inspections under the new EP Act

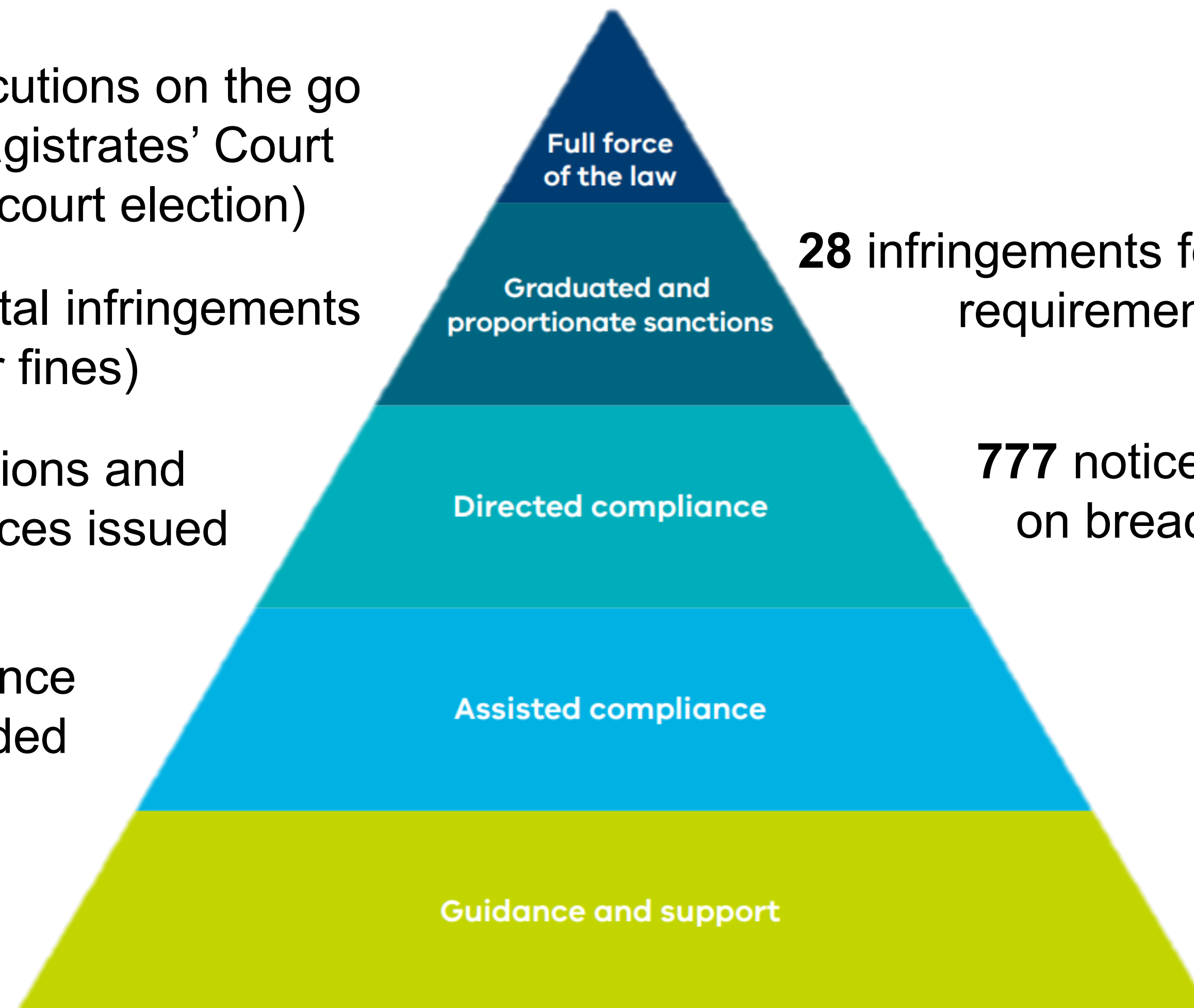


**72** criminal prosecutions on the go  
**91** matters in Magistrates' Court  
(including litter court election)

**76** environmental infringements  
(excluding litter fines)

**2,333** directions and  
remedial notices issued

**3,959** compliance  
advices provided



**28** infringements for failing to report on  
requirement compliance

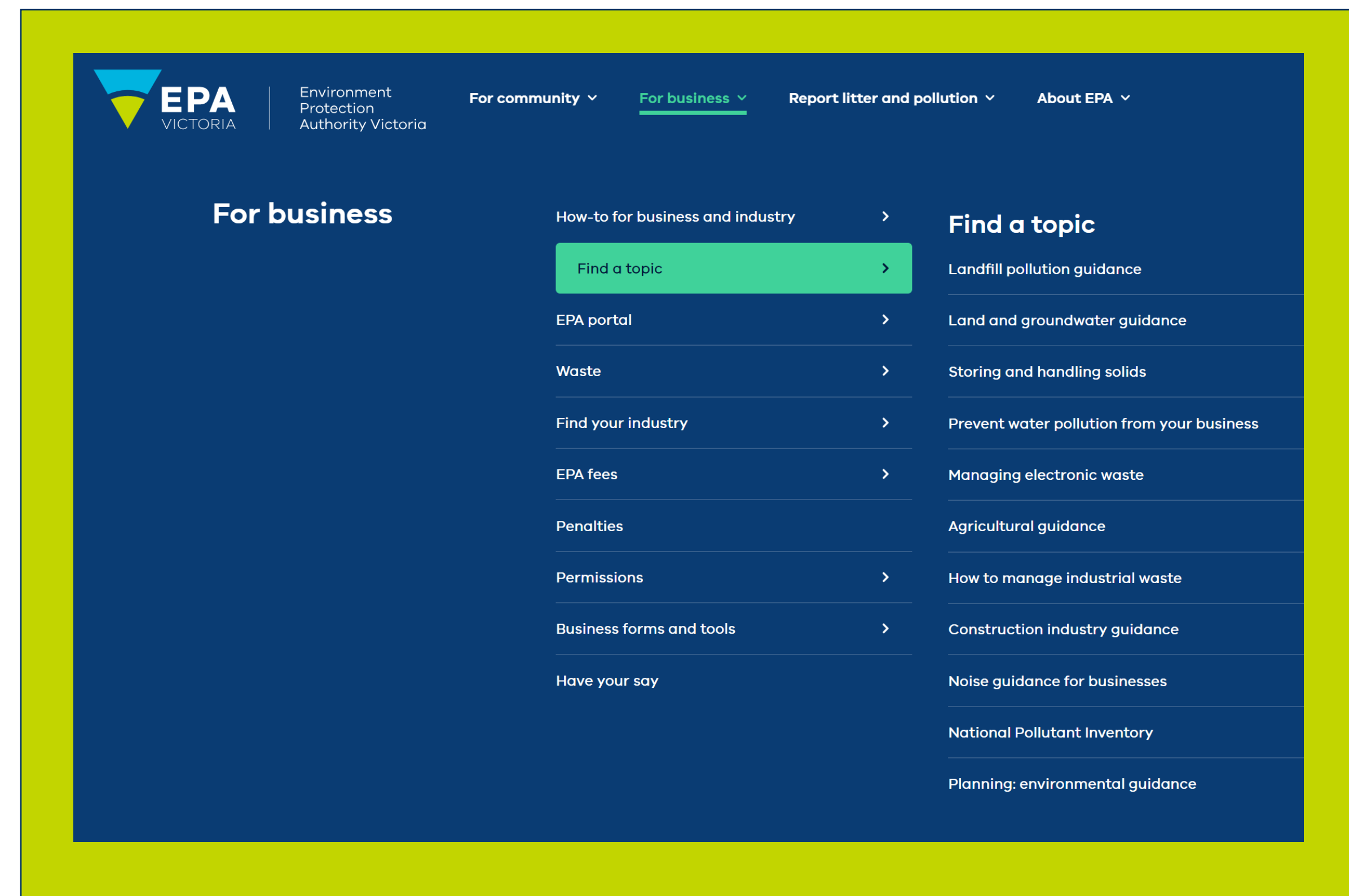
**777** notices issued based  
on breach of the GED

Guidance and support



# Compliance and enforcement activity

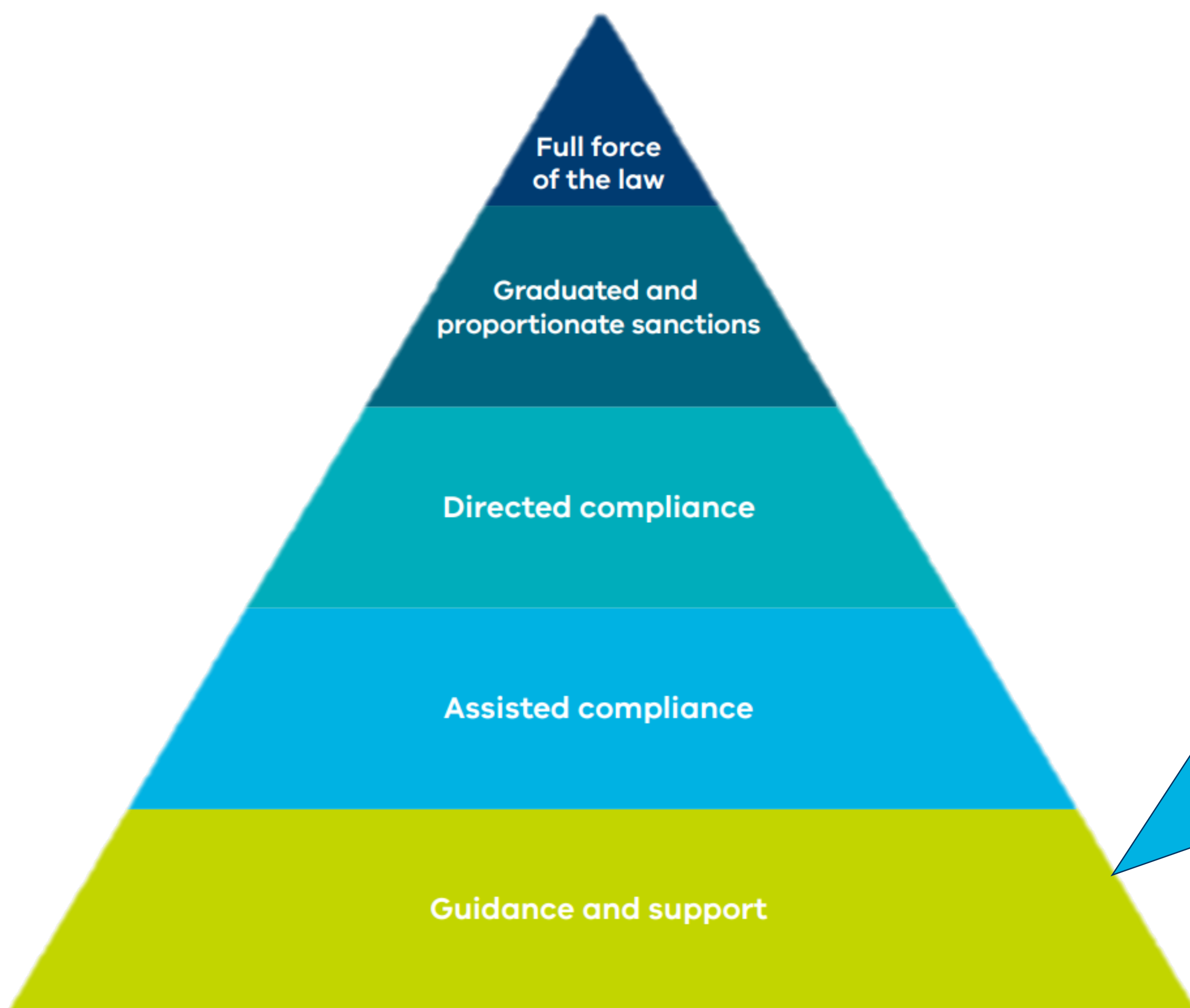
Guidance and support





# Compliance and enforcement activity

## Guidance & support - example #1



### Guideline for minimising greenhouse gas emissions - 2048

Publication 2048

#### What it contains

This guideline will help businesses minimise risks to Victoria's environment and human health from their greenhouse gas (GHG) emissions.

GHG emissions contribute to climate change risks. You can help reduce climate change risks by eliminating or reducing your GHG emissions.

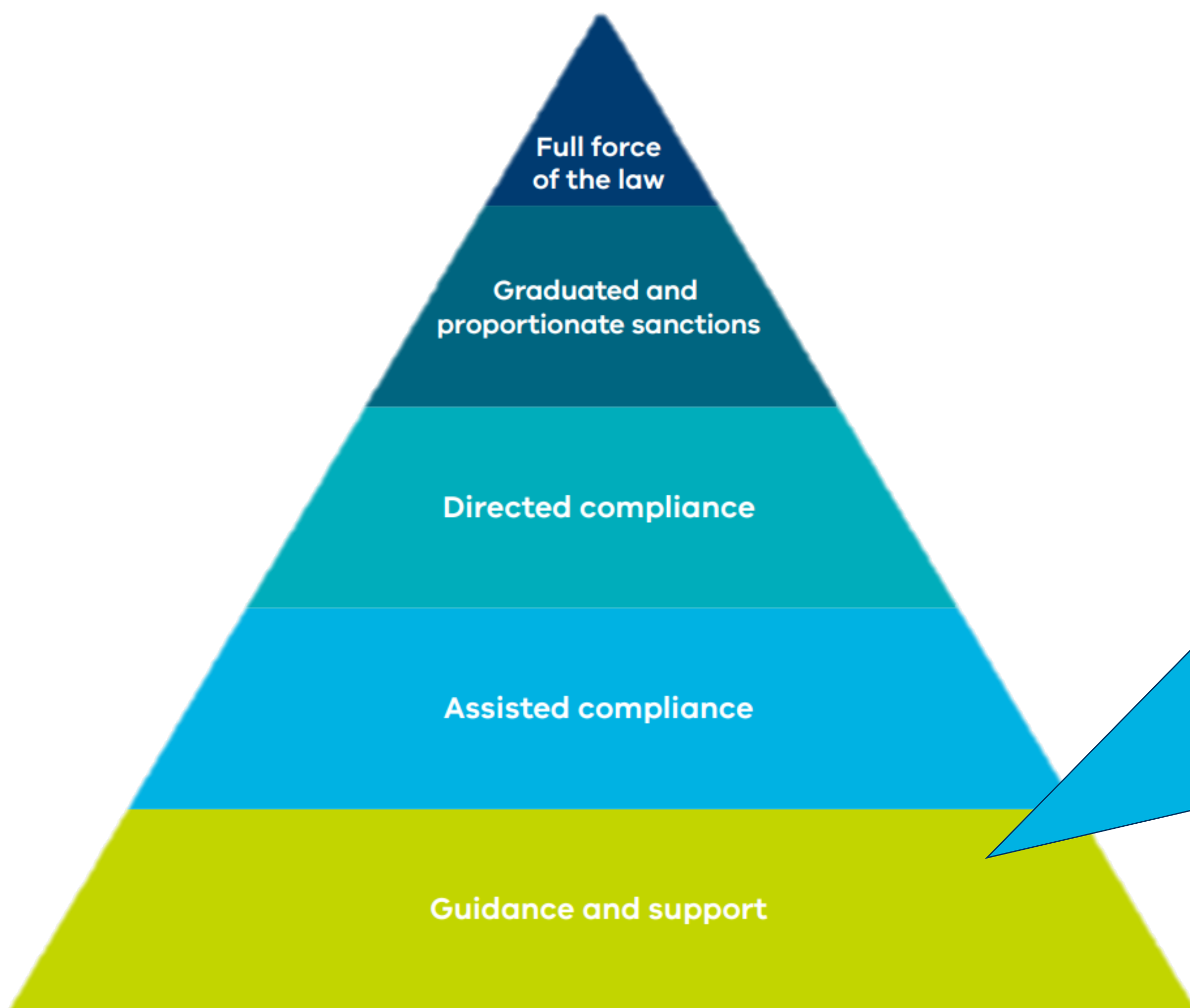
This guideline will help businesses:

- meet their responsibilities under the Environment Protection Act 2017 and general environmental duty (GED)
- understand how to identify and assess their GHG emissions and put in place reasonably practicable controls to minimise them.



# Compliance and enforcement activity

## Guidance & support - example #2



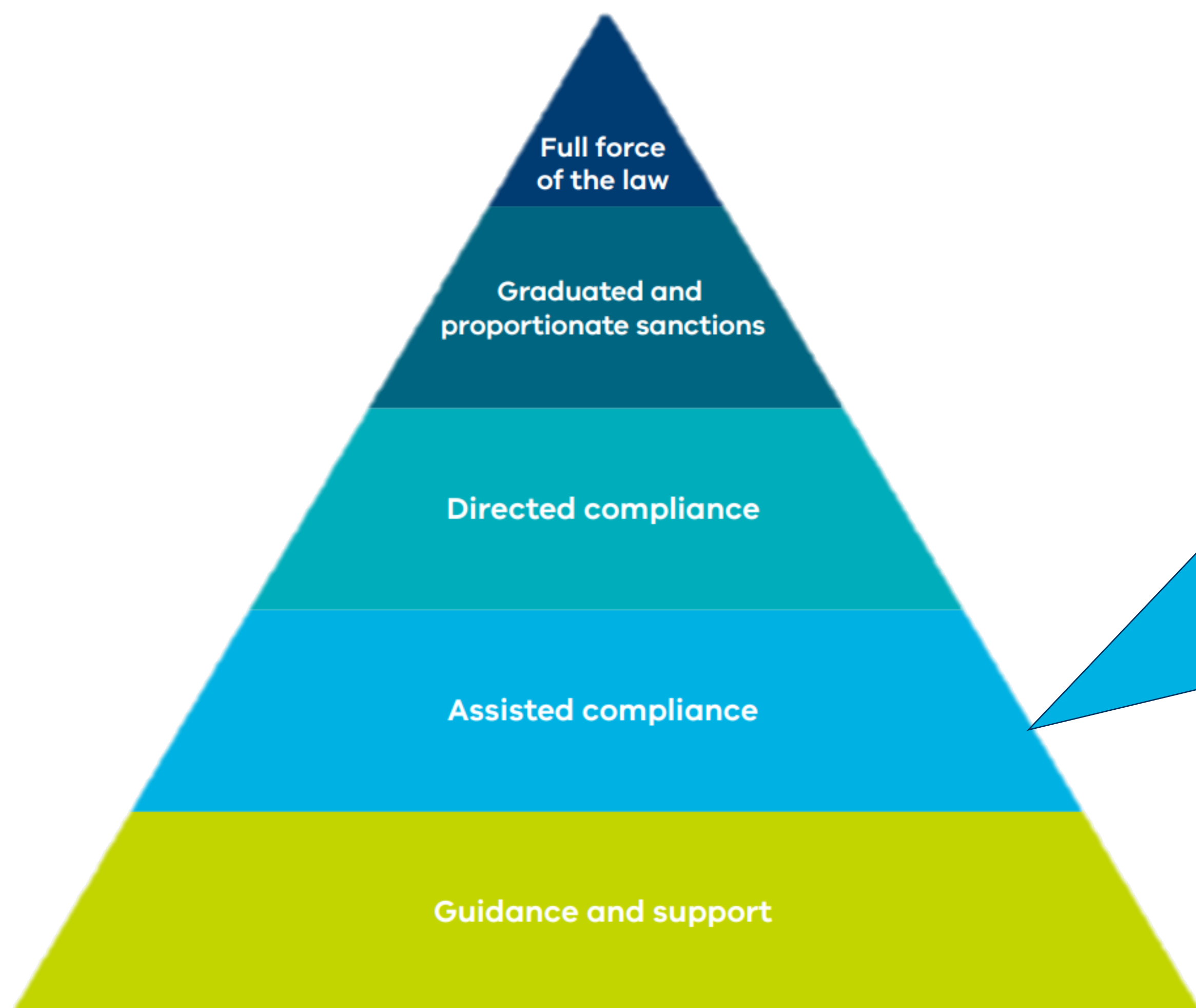
### 2020-22 small business program pilot

- automotive repair & maintenance businesses (with Victorian Automotive Chamber of Commerce)
- dry cleaners (with Drycleaning Institute of Australia)
- self-reporting by businesses
- initial and follow up site visits by EPA
- increased knowledge of:
  - environment protection obligations
  - good practice in risk management



# Compliance and enforcement activity

## Assisted compliance



**EPA VICTORIA** | Environment Protection Authority Victoria | For community ▾ | For business ▾ | Report litter and pollution ▾

## Improved compliance reduces Ararat fire severity

**28 October 2021**

Barry Marx is a 20 year veteran of the recycling business. Marx Metal and Demolition is well known in the Ararat area of western Victoria and when it comes to scrap and recycle metal, Barry reckons he knows what he's talking about.

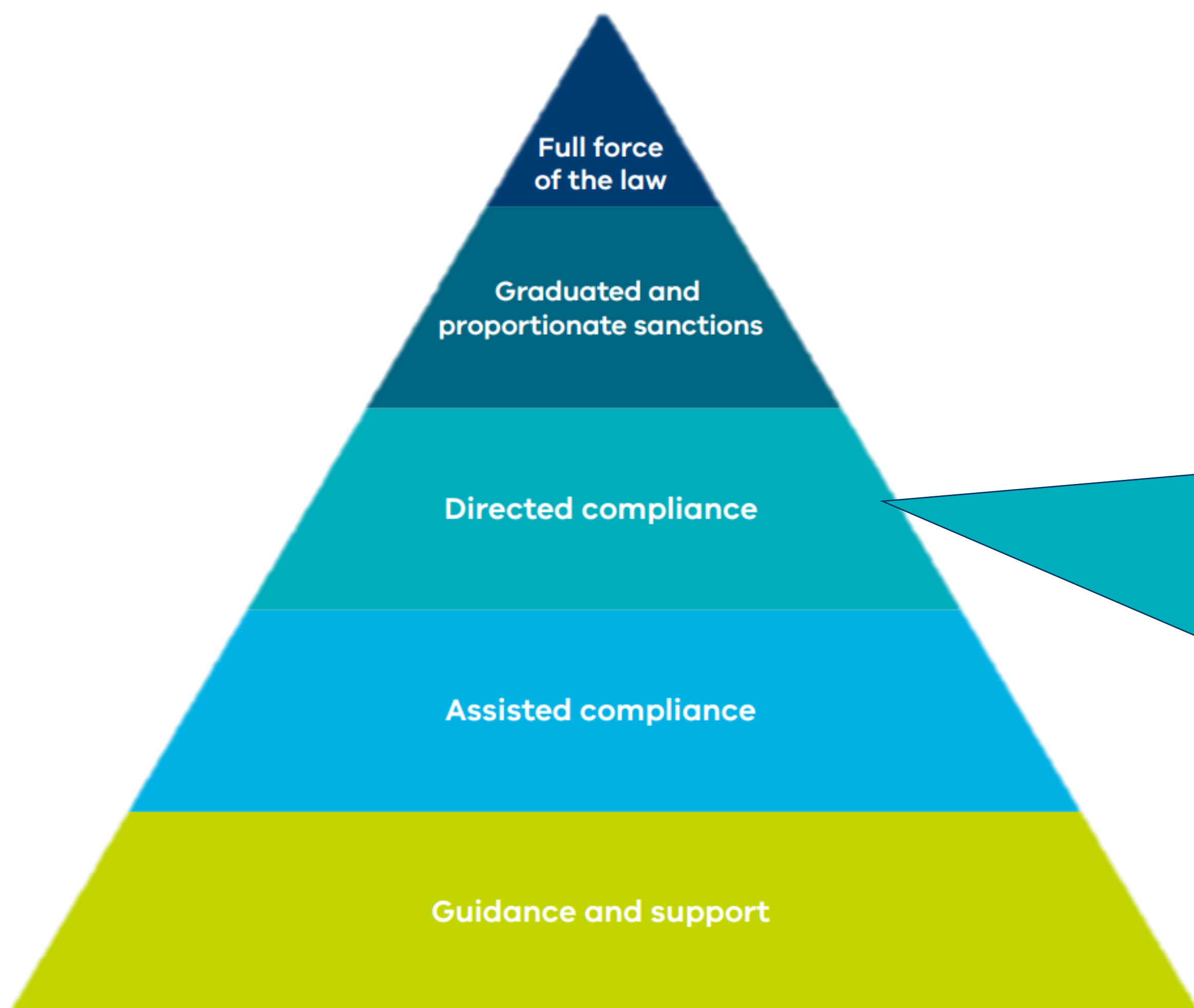
So, when officers from Environment Protection Authority Victoria's (EPA) South West Region dropped by earlier this year as part of the Fire Prevention Program (FPP), he was not a fan of what he was told needed to happen.

"EPA's FPP takes a zero- tolerance approach to any risk that is not controlled or any non-compliance that we detect," said EPA South West Regional Manager Carolyn Francis.



# Compliance and enforcement activity

Directed compliance – remedial notices





Environment Protection Authority Victoria

[For community](#)
▼

[For business](#)
▼

[Report litter and pollution](#)
▼

## Notices issued following Somerton inspections

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**14 February 2023**

A multi-agency team will issue notices and has charged a company following a series of snap inspections in the northern Melbourne suburb of Somerton.

More than 25 officers from EPA Victoria, Victoria Police, Fire Rescue Victoria and Hume City Council arrived unannounced at multiple sites in and around King Street, Somerton investigating breaches of Environment Protection Act 2017, council licensing offences, fire safety offences or the Crimes Act on 7 February, 2023.

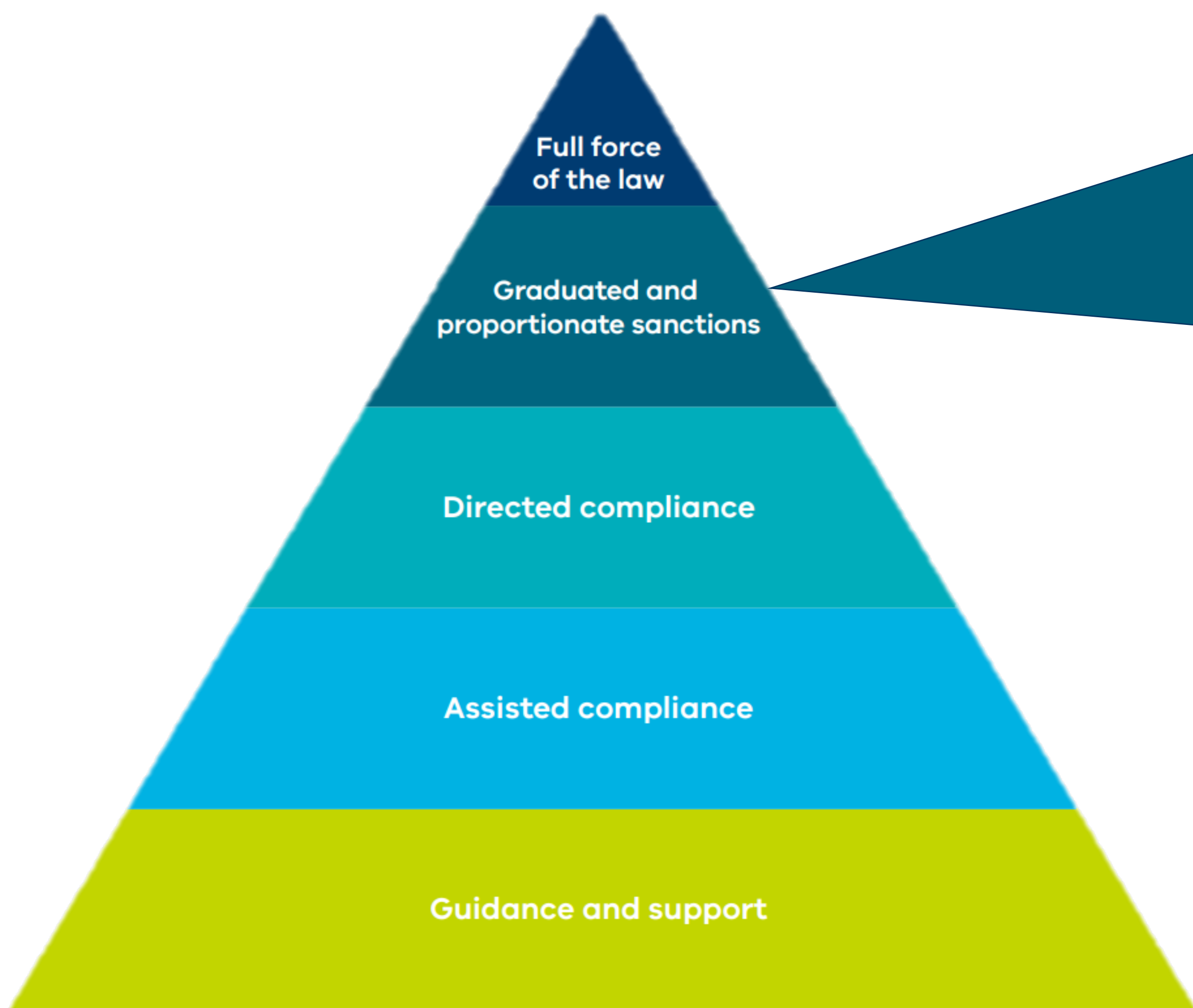
“This is a location with several businesses EPA has been watching closely for some time. We have already issued notices against businesses in the area for breaches under the EP Act, but the level of compliance has not been satisfactory,” EPA North Metro Regional Manager Jeremy Settle said.





# Compliance and enforcement activity

## Graduated sanctions - infringements

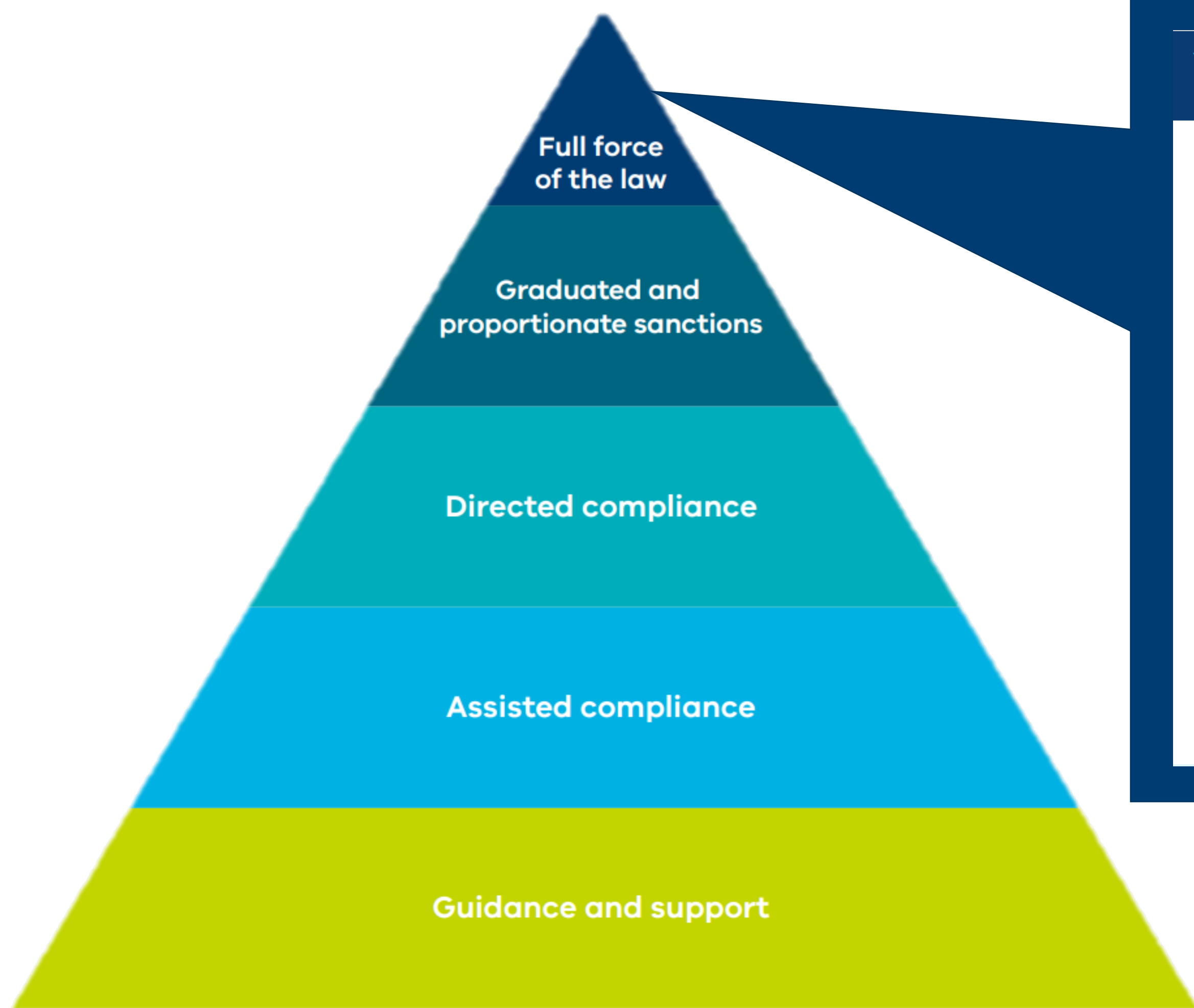


A screenshot of a news article from the EPA Victoria website. The article is titled "Smoky South Geelong fire costs a company \$5500" and is dated "5 January 2023". The text describes a \$5,548 fine imposed on a local company for burning waste that sent smoke drifting off its South Geelong worksite. The article also mentions that EPA officers fined Salvage Centre Demolition Pty Ltd for burning timber waste in a metal barrel at the site on Gravel Pits Road. EPA Southwest Regional Manager Carolyn Francis is quoted as saying that while disposing of timber waste by burning is a breach of the Environment Protection Act 2017, there was evidence nearby that the company had previously been burning other kinds of waste. The screenshot includes the EPA Victoria logo and navigation links for "For community", "For business", and "Report litter and pollution".



# Compliance and enforcement activity

## Prosecutions



**EPA charges company over chemical spill at Cherry Creek**

27 October 2022

MTAW Group Pty Ltd, trading as Melbourne Transport and Warehousing Pty Ltd, is the company allegedly behind a chemical spill that polluted Cherry Lake in Altona North, leading to the deaths of large numbers of fish. The company has been charged by Environment Protection Authority Victoria.

The charges allege that MTAW Group Pty Ltd failed to minimize the risk to human health and the environment from pollution or waste contravention of its General Environmental Duty (GED).

It is alleged the company failed to take all reasonably practicable action to reduce the risk of a spill or leak of dangerous goods stored at its Laverton North site.

**Directors face charges over Cherry Creek incident**

14 December 2022

EPA Victoria has today taken additional action over the Cherry Creek pollution incident.

EPA has now charged three directors of Melbourne Transport & Warehousing Pty Ltd (ACN 142 144 545), trading as Melbourne Transport and Warehousing, the company allegedly behind a chemical spill that polluted Cherry Creek and Cherry Lake in Altona North in March this year.

Following regulatory action by EPA in October, the company already faces charges that it failed to take all reasonably practicable action to reduce the risk of a spill or leak of dangerous goods stored at its Laverton North site in contravention of its General Environmental Duty (GED).

# Updates - waste regulation



Continuing to fine tune the waste framework with legislative instruments or EPA positions to assist industry.



Used Lead Acid Battery (ULAB) designation to be made early this year.



Support for cement additives as fly ash from coal fired power station is underway



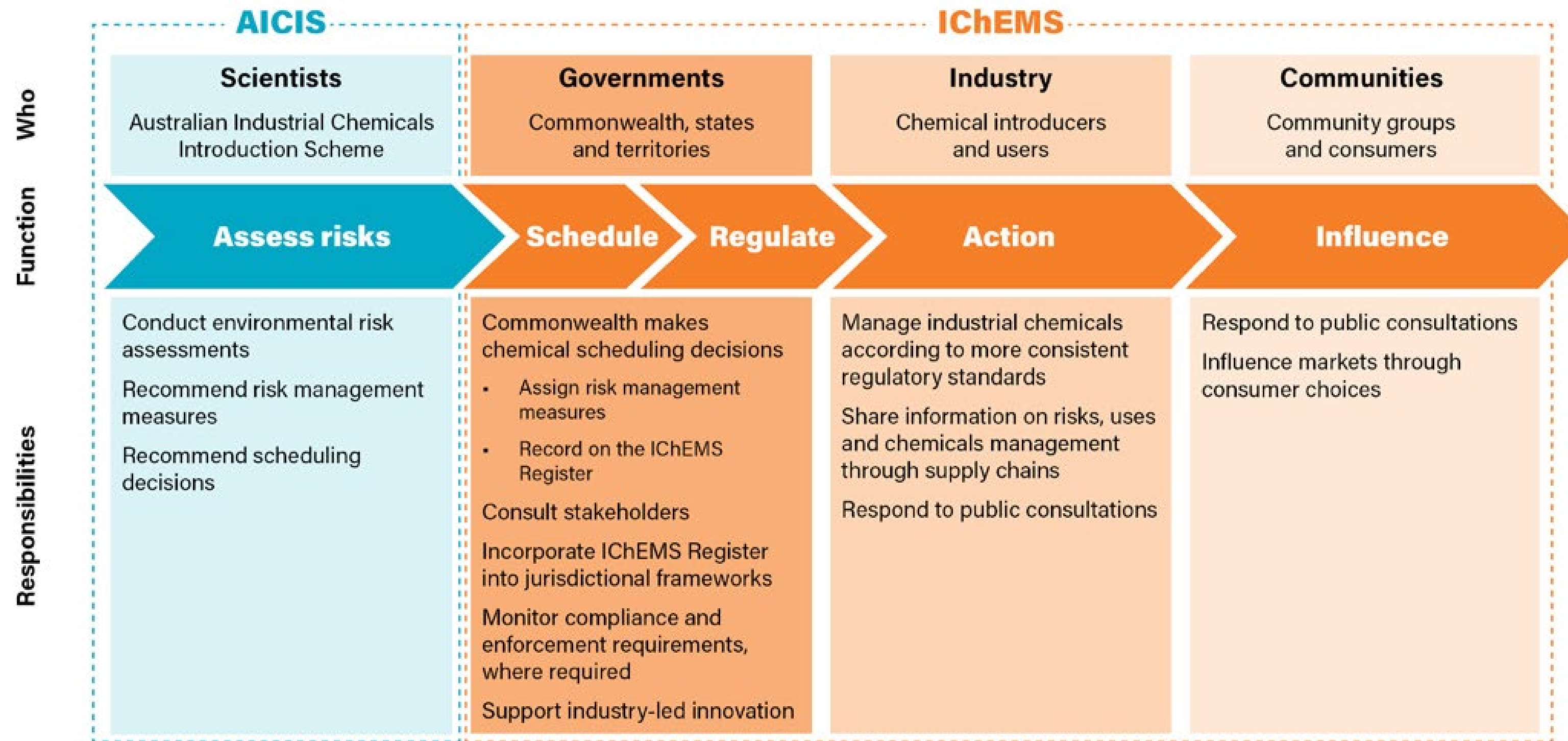
Supporting Heads of EPA chemicals working group in delivering PFAS NEMP 3



Better pathways for digestates from anaerobic digestion plants.

# Update - chemicals regulation

## Industrial Chemicals Environmental Management Standard (IChEMS) framework



# Update - chemicals regulation

## **Industrial Chemicals Environmental Management Standard (IChEMS) framework cont.**

- Victoria committed to implementation; to be evaluated over 2023 and 2024
- Regulatory Impact Statement likely; opportunity for input
- Implementation will focus proportionately on chemicals in higher schedules
- IChEMS will build on approaches to managing chemicals under other regulatory frameworks.

## Environment Protection Authority Victoria

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