

Ms Joss Crawford
A/ Chief Executive Officer
EPA Victoria
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Submitted via [online portal](#)

28 October 2025

Dear Ms Crawford

**Re: Feedback on the EPA Victoria's updated Risk Management and
Monitoring Program (RMMP) guidance**

Thank you for the opportunity to provide feedback on the updated Risk Management and Monitoring Program (RMMP) guidance ("*updated guidance*"). The Waste Management and Resource Recovery Association of Australia (WMRR) is the national peak body representing Australia's \$21 billion waste and resource recovery (WARR) industry. With more than 2,300 members from over 400 entities nationwide, we represent the breadth and depth of the sector, including representation from business organisations, the three (3) tiers of government, universities, and Non-Government Organisations (NGOs), including research bodies. WMRR members are involved in a range of important activities within the Australian economy, including infrastructure investment and operations, collection, manufacturing of valuable products from resource recovery, energy recovery as well as community engagement and education. In Victoria, WMRR represents over 530 individual members from more than 90 entities.

Under the *Environment Protection Act 2017*, Victorian businesses operating pursuant to an EPA Victoria Operating Licence must implement an RMMP to demonstrate their compliance with licence condition OL_G5 and the General Environmental Duty (GED) requirement – to *eliminate or otherwise reduce risks of harm from your waste or pollution so far as [reasonably practicable](#)*. WMRR understands that the EPA first issued RMMP guidance in July 2021 and has revised its purpose, content, and format and is seeking feedback to assist EPA to improve the clarity, accessibility and relevance of the guidelines and identify challenges faced when using the guideline to document an RMMP. WMRR notes the consultation page explicitly states that stakeholders are not able to influence the project scope or timelines, the RMMP condition itself nor the intent/purpose of an RMMP.

WMRR is supportive of issuing the updated guidance as a PDF document, which is much easier to navigate than the previous web-based guidance. The key concerns raised by the updated guidance relate to the role of the RMMP for EPA officers in terms of compliance. To this end, WMRR has made some recommendations for the updated guidance to be revised in wording to address the risk of an RMMP being misconstrued as a compliance document against which the aspirational environmental indicators are used by the EPA to assess a licenced site's GED compliance.

1. Further clarity is needed on the 'risks' that should be addressed by an RMMP

The drafting of the intention and purpose of the RMMP does require clarification in the updated guidance to avoid possible misunderstandings when licenced facilities are being regulated. WMRR has made previous submissions to the EPA around the need to disambiguate how EPA issued guidance documents are used by EPA officers (for example, noting that industry experience is that guidelines such as the *BPEM Landfill Guidelines* have been used as a 'minimum standards' compliance document by some EPA staff). For this reason, WMRR believes that references to 'minimising risks in accordance with the GED' should highlight that the reference to the GED requirement includes the words 'so far as

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reasonably practicable, and further, that the risks that should be addressed by an RMMP should be aligned to a facility's risk profile.

- i. *Include explicit wording around the GED requirement relating to minimising risks as so far as reasonably practical*

The current advice on the EPA website is that the RMMP is a formal and documented risk management process that describes how you meet the GED and your licence conditions. The updated guidance opens with describing that an RMMP *"enables the permission holder to document how they propose to minimise risks of harm to human health or the environment in accordance with the general environmental duty (GED)."* Section 2.4 (Reviewing your RMMP) includes that *"... your RMMP forms part of meeting your obligations to prevent or minimise risks under the GED"*

Section 1.3 states that: *"A well-documented RMMP that is up to date, fully implemented and being maintained will help you demonstrate to EPA that you are meeting your duties under the EP Act, the conditions of your permission and any other applicable legal requirements."* It is not unreasonable to foresee that a junior EPA officer could interpret this wording to equate to using the RMMP indicators as a metric to enforce.

WMRR recommends that for absolute clarity, the words *"in so far as reasonably practicable"* should be inserted into the updated guidance when the GED is referred to, in order to clearly align with the wording of the GED requirement. Thus, Section 1 would read:

"...the permission holder to document how they propose to minimise risks of harm to human health or the environment in so far as reasonably practicable in accordance with the general environmental duty (GED)."

The absence of these crucial words leaves the risk that an EPA officer may look to a facility's RMMP – which includes stretch targets for improved environmental performance -- as a means of 'regulating' the GED requirement. WMRR's primary concern is that environmental performance indicators against aspirational objectives could effectively become compliance requirements that go beyond what is reasonably practicable, especially when existing controls and licence limits are already conservative and effective in managing environmental risks. For example - there are concerns that a facility which already has Safe Work Method Statements and risk management and monitoring procedures in place, could be reviewed by an inexperienced EPA officer who may feel empowered to suggest that an RMMP is inadequate as it does not address all possible risks. This would be avoided if the 'reasonably practicable' lens was articulated in the document.

- ii. *Include risk profiles of site-base activities in the updated guidance to support risk-based licensing*

WMRR suggests that the risk profile of sectors should be articulated in the RMMP guidance to ensure a consistent and appropriate approach for all, with landfills, in particular, identified as sector. This approach would be consistent with the EPA's commitment to a risk based approach as identified in the EPA's [Compliance and Enforcement Policy](#), which articulates that the EPA's compliance and enforcement efforts in response to incidents and non-compliance will change depending on the nature of the harm and where they can make the biggest difference, as opposed to the often blanket approach industry experiences now.

2. *Revise the wording used in Section 5 around Environmental Performance*

There are several significant concerns regarding the establishment of environmental performance indicators – and this directly relates to the risk profiles of the activities. For some operations -such as landfills – the nature of the long-term infrastructure means that there is limited opportunity to drive further improvements beyond the requirements of the industry guidelines or licence conditions. In such cases, it is not reasonable to expect all monitoring parameters to go beyond licence compliance, noting that:

- i. *"Beyond Base-Level" performance may contradict "Reasonably Practicable"*

Section 5.1 states: *"To demonstrate continual improvement, environmental performance objectives should be meaningful and measurable. They should go beyond base-level performance against statutory and licence requirements."* For some facilities such as landfills, this appears to contradict the principle that controls should be "reasonably practicable" under

the GED. If an industry standard control is appropriately implemented and environmental risk is sufficiently controlled to prevent impact or harm, further "beyond base-level" controls may not be reasonable or proportionate to the risk. WMRR recommends that this wording should be revised. For example, phrases such as *"Organisations should use their best endeavors to continually improve performance"* implies a commitment to use all reasonable and practicable efforts to achieve the desired improvements.

ii. *EPA licence limits are already conservative for many licenced facilities*

Section 5.11 states: *"Environmental performance indicators are different to licence limits. Licence conditions set an upper limit for emissions or discharges that you must not exceed. Complying with licence conditions does not necessarily mean you are minimising risks or improving your performance."*

Industry experience suggests that EPA licence limits are not simply "upper limits for emissions" but are already conservative, set in line with human health and ecological risk standards from the National Environmental Management Plan (NEMP) and the EPA's own science unit. These limits already take a risk-minimisation approach rather than a maximum pollution threshold approach. Requiring more stringent stretch goals on already conservative targets may not be "reasonably practicable" given the time, effort, and cost associated with continual improvement. As such there is concern that EPA officers may treat compliance with environmental performance objectives (which are stretch targets for continuous improvement) as a method of assessing GED compliance. To be clear, WMRR does not support a facility's RMMP being used to support improvement notices being issued for failure to achieve stretch targets that don't necessarily relate to actual compliance obligations.

WMRR has provided responses to the consultation survey questions at [Annexure A](#) which it trusts will be considered in line with these comments. WMRR sincerely hope our feedback will be constructive and helpful in shaping the updated guidance into a clear and useful document for both industry and regulators.

Please contact the undersigned if you wish to further discuss this submission.

Yours sincerely



Gayle Sloan
Chief Executive Officer

Waste Management and Resource Recovery Association of Australia

Annexure A: Responses to the consultation questions

Consultation Question	WMRR Comment
Is the revised Guideline clearer about the overall intent of the RMMP permission condition?	No. WMRR has outlined our concerns in the cover letter relating to our primary concern that environmental performance indicators could effectively become compliance requirements that go beyond what is reasonably practicable, especially when existing controls and licence limits are already conservative and effective in managing environmental risks
Does the revised Guideline help explain what each sub-element of the RMMP condition means and how to address them in your documented RMMP?	Yes – the updated guidance is clear about how to address these elements. However, WMRR has noted in its cover letter that some changes to the wording should be included in the updated guidance to ensure that any reference to minimising risks in accordance with the GED also refers to being reasonably practicable.
Is it clear what kind of information and how much information EPA expects in a documented RMMP?	Yes.
Does the revised Guideline clearly explain how duty holders with multiple licenced sites can minimise duplication in RMMPs?	Yes. Section 2.2 makes it clear that whilst an RMMP for each site must exist, the same relevant documents – such as company processes/procedures/policies - can be appended. This is consistent with industry experience to date whereby RMMPs have traditionally been single documents that have clearly identified other existing documentation (such as a standard operating procedures or Safe Work Method Statements), thereby reducing time and effort by summarising rather than reproducing this information within the main body of the RMMP.
Does the revised Guideline clarify when a business should review their RMMP to maintain its currency?	Section 2.4 is quite broadly worded basically stating that the EPA expects RMMPs to be reviewed to ensure it is current and relevant to site activities: <i>“It is important to evaluate the effectiveness of your RMMP throughout all stages of its implementation as part of a continuous improvement approach to managing your risks. In this way, your RMMP forms part of meeting your obligations to prevent or minimise risks under the GED”</i> . Then in Section 7, it says <i>“EPA expects your RMMP reviews (see section 2.4) to be informed by your incident records and past performance.”</i> It would be more helpful if the updated guidance included more explicit wording in Section 2.4 to the effect of <i>“EPA would expect the RMMP to be reviewed if there are significant changes to the site, new risks identified, or incidents reported”</i> . WMRR would encourage this clarification so as to mitigate the potential for an EPA officer to imply that an operator has not met the requirements under the GED just because their RMMP has not been ‘updated’ in a subjective time frame.
Do the supporting case studies and examples clarify EPA’s expectations on how to prepare an RMMP?	Yes.
Do you have any other suggestions to make the revised guidance and/or supporting information clearer or easier to understand or use?	Please refer to cover letter for comments regarding wording to ensure greater clarity about the intent and purpose of an RMMP when considered alongside the GED requirement.