

'Bay Fray' Port Phillip campaign launch

- putting 'resilience of receiving waters' into watchdog's licensing to bring Australia in line with international standards

Clean Ocean Foundation has been busy in research this past three months, further developing and refining our Port Phillip 'Bay Fray' campaign actions and outcomes.

We alerted Melbourne's media to three major pollution incidents February-April where the city's sewerage system failed to cope with flow. Millions of litres of raw sewage was directed straight to Port Phillip Bay via the city's creeks and drains.

Those events brought forward our Port Phillip 'Bay Fray' campaign, originally scheduled for launch later this year: and along the way we've defined a specific policy target to enact real change.

We're rapt to announce that Ozmosis has back us with specific Bay Fray campaign sponsorship, enabling us to employ professionals for research, science and legals over the coming year.

The Clean Ocean Foundation's legal Brains Trust has ascertained that we can make most impact for a cleaner Port Phillip by going after EPA policing powers of our water authorities.

That means poking at a sleeping 'watchdog' - EPA Victoria - and lobbying for contemporary licensing conditions and powers, more EPA resources and state pollution policy that is in line with international standards.

As our Facebook and website followers will know, we were enraged by Melbourne Water Corporation's efforts to obfuscate the first major pollution event, along with EPA Victoria's failure to play any sort of watchdog role during or after the events. Channels 9, 2 and 10 gave airtime to our concerns, along with 3AW, Gold 104, MTR 1377, 774 radio, with articles in The Age, Herald Sun, MP News and others.

Many will know that the EPA's Beach Report monitoring program runs only from late November to March 1. Many don't. We called for an extension of that program, better broadcasting of results, and we want the EPA mandated to test affected beaches for water quality - with results published - during and



immediately after such crisis events as those that happened in late summer.

(The EPA calls such events 'Emergency Relief Structure Discharges'. We call it total system failure, unacceptable in 2011).

Our own indicative water testing of Port Melbourne Beach, carried out April 13, the morning after the third major pollution spill found 1600 units of e.coli per 100 ml - VERY high. Many thanks to sponsors Stormwater Victoria and Flinders Consulting for carrying out the testing. (There was a wetsuited kid swimming right near us while we tested).

Now, we're not going to pretend that this one test result is the sort of science we need for a conclusive result (Australian standards have a median value for primary water contact of not more than 150 faecal coliforms per 100mLs for a minimum of 5 samples during 1 month and 4 out of 5 samples being less than 600 faecal coliforms per 100mLs. Our science team states the result is "not sufficient information to make an informed data/comment of faecal contamination") BUT - it is enough to ask "where was the EPA?".

The EPA should have been there, to do the testing and inform the public about the risk associated with swimming, dinghy sailing or kite surfing at those heavily populated northern bay beaches.

The storm events meant a list of questions sent to the EPA, with a (very belated) response, inviting us to a meeting at EPA HQ.

In constructive talks with EPA Director Stuart McConnell and his team on May 19, Mr McConnell said Melbourne Water could not be brought to account for the bay sewage spills, because EPA licensing accepted a one in five year (!) chance of infrastructure failure due to rain events.

Our Bay Fray campaign mission became very clear: Australia must change policy so that state EPA licensing of water authorities and their facilities/ systems is in line with European standards.

The European Union system would mean basing licences on ecosystem resilience rather than the Australian engineering-based approach. The engineering-based approach licenses according to the loose performance capabilities of treatment facilities and sewerage systems, regardless of the effect on the environment when these systems fail. (Those on septic tanks will know that there's no 'get out of jail free' card for a one in five year rain event causing system failure - you're still responsible for that system's effluent spillage to neighbouring drains or waterways.)

Worth noting that the EPA was still not able or willing to give us specifics on those major pollution events, and potentially others that have happened - we asked how many other times such major pollution events have happened, and for specific dates and volumes. We were advised we should be "very clear" about what we were seeking when asking for such information, as it would mean a resource drain. Well, we couldn't be more clear: if raw sewage spills to the bay during storm events since 1975 correlate with illness among volunteer lifesavers, "icebergers" and other regular bay users - the public should know, and we'd then have more information to take our 'Bay Fray' message to the Health Department for action.

How much raw sewage entered Port Phillip during those three crisis events is something nobody wants to talk about, or even 'guesstimate' ... perhaps because it might make headlines?

A foot in the door ...

The EPA has now given Clean Ocean Foundation a role in their Beach Report community consultative workshops - where we will be further lobbying for broadening of Port Phillip's beach monitoring, meaning more resourcing of the EPA.

It's now minuted from our April 19 meeting that EPA intends "working with the industry to explore a risk-based approach to sewer capacity design standards" and "EPA will work with water authorities to provide guidance on how EPA expects water authorities to communicate to the public on ERS discharges".

The EPA Beach Report workshop, scheduled for August, also intends to explore ways communication of bay water quality can be improved for bay users, including mobile phone apps, texting, beach report signage and other mechanisms. (Clean Ocean Foundation made clear in our EPA talks that a bay beach user should NOT be expected to go digging in the 'media' sections of EPA or Melbourne Water websites before kitesurfing, sailing, swimming etc - and that communicating beach health to a broad audience in 2011 is not difficult. We also offered to help facilitate those communications.)

Melbourne Water: no big questions please ... just focus on the pretty wetlands slides people

Works to upgrade the Eastern Treatment Plant at Bangholme to Class A are on track, and those cranes you'll see driving down the Frankston Freeway are working towards bringing a better quality of effluent to Gunnamatta beach - with beach user illness issues hopefully much reduced by late next year and reuse options hugely expanded.

(Hey, there seems to be some confusion out there as to whether or not the pipe issue is already fixed! make no mistake people, it's still filth, and a major health risk for surfers).

Unfortunately, at an ETP Community Liaison meeting on May 2, Melbourne Water Corporation again used the term "one in 500 year event" for the major bay pollution of Feb 5, failing to acknowledge that millions of litres of raw sewage were sent to



The Eastern Treatment Plant's February failure

the bay twice again in the weeks to follow, or that climate modelling predicts more such rain events - Melbourne Water clearly doesn't acknowledge the likelihood of many more such events in the coming 30 years.

Also out of that meeting it became clear that the ETP plant management doesn't seem to consider the Bangholme facility's failure to cope with incoming volumes as a failure at all. In response to questioning about the Feb-March pollution events, we were told "that wasn't the plant". Clean Ocean Foundation was moved on by the Chair who stated "can we keep the questions relevant to the (Eastern Treatment) Plant?"

Sure, many of the sewage releases were upstream in the sewerage network, to places like Merri Creek (therefore the Yarra, therefore the northern beaches of bay) but ONLY BECAUSE THE TREATMENT PLANT VOLUMES WERE REDLINING at both ETP and Werribee. Dumping sewage into the bay because the system can't cope is entirely relevant to both major treatment plants.

And closer to the plant, we have photo evidence that there was in fact major localised pollution from the ETP, affecting Frankston beach and possibly Seaford beach. Pics show a big plume spewing major quantities of black stuff from the plant to the Kananook Catchment, and ultimately to Frankston Beach where it hung around for a couple of days ...

an event that again got an unsatisfactory response by the EPA to members' questioning. Kids sailing dinghies at Frankston Yacht Club around that time deserve much better - and we're sure their parents would NOT have allowed them into the water if they knew what was going on.

In terms of responsibility for the bay's major pollution events of this year, they're all ducking and weaving, and clearly want us to enjoy slide shows of how much the birds are going to love the new ETP.

BUT, we could easily spend a decade of energies on wrangling with and extracting truth from one corporatised water authority, or we can aim to impact on the laws which govern them.

So, our Port Phillip 'Bay Fray' Campaign asks 'what really is going into Port Phillip Bay, who is responsible?' and 'why are our licensing laws not in line with international standards?'

Once we expose the bay's major sources of pollution, and polluters, we'll work on creating the political will to change those laws.

Turning the microscope on Werribee

Other than major pollution events when the sewerage system fails, Melbourne Water's Werribee treatment plant sends 500 million litres of Class C sewage into the bay EVERY DAY.

Thanks to a substantial donation by Ozmosis, we're able to kickstart our marine biology and legal Brains Trust onto finding out exactly what's in that Werribee mix and trawl through things like Toxin Release Inventories over the coming year - because it's far from just the bird and fish attracting nutrient Melbourne Water Corporation would like you to believe.

Again thanks to Ozmosis, we're able and ready to launch FOI requests if they don't want to give up the info, just as we had to for the Gunnamatta campaign.

Trade Waste agreements are tickets the EPA OKs for thousands of companies to send nasty chemicals into the sewerage system, mostly in the city's west and north west, which then travel to Werribee, and out into Port Phillip Bay. They're also a good earner for the State Government.



Members' Update: June 21, 2011

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A reminder ... COF is a registered not-for-profit tax exempt environmental organisation: donate to our Port Phillip Campaign before June 30 and receive a tax deductible receipt.

Just like our 10 year Gunnamatta campaign, our Bay Fray campaign questions the quality of the sewage entering Port Phillip from the Werribee Treatment Plant, and demands better treatment, to a standard which has hugely higher reuse options. BUT, the heavy metals and other poisons from Trade Waste in that bay mix gives this campaign an added front to the Gunnamatta fight - someone has to question and challenge the EPA and State Government over Trade Waste Agreements.

Longer term ... Clean Ocean Foundation's solution to seeing trade waste dealt with on site properly (not simply injected into the bay) acknowledges that tighter regs will come down to more expense for business. That has to come back on the Federal Government to provide tax incentives for those businesses to properly process their chemical waste, improving the quality Werribee effluent, and therefore reducing bay toxins.

Along the way...

The EPA and Melbourne Water have been working on the license for the upgraded Eastern Treatment Plant, a draft of which was presented to Clean Ocean Foundation at the May 2 community consultative meeting. Frankston City Council's Environment Manager remarked what we were all thinking: "it reads like an MoU".

Indeed, the language of the licence reads as if the two entities are seeking approval on finance together.

That dialogue has to change: again, Clean Ocean Foundation wants the teeth back in the watchdog.

Getting the EPA out of bed with the water authorities and back into the overseer/policing role we all expect it to play forms part of our Bay Fray campaign.

More on 'resilience' and the EU Water Directive 2000 ...

In the EU Water authorities and industrial users with their own discharges

have been working within 'Directive 2000/60/EC of the European Parliament and of the

Council of 23 October 2000 establishing a framework for Community action in the field of 'water policy'.

This involved working toward the receiving waters being defined as healthy via chemical and ecological indicators. This as an ecosystem resilience based approach - very much unlike how EPA licenses in Australia are basically written according to the performance capabilities of the treatment facility regardless of the effect on the environment.

Clean Ocean Foundation is advocating that Australia meet international standards by ensuring that EPA licenses are based on ecosystem resilience.

New website soon to launch

Stay tuned for a redesigned, newly hosted and much more functional website. It's under development right now and we hope to launch it early next month.

Huge thanks to new sponsors Netbookings for hosting, developing and designing the new site ... and incorporating their impressive functionality which includes the ability to package (for instance) our school Outfall Education Tours with other Netbookings clients' services like Mornington Peninsula operators' sea kayaking tours, sea dragon snorkelling or Peninsula Hot Springs' bathing.

We're also able through Netbookings to create online purchase of Gift Certificates for our Clean Ocean Foundation Memberships, Hoodies and T shirts.

More info on these developments when we officially launch the new site very soon.

Call for bay users' support

We're making a call to Port Phillip divers, kite surfers, beach walkers, icebergers, sailors and SUPpers ... please pass on this update, let them know we're going in swinging with our Bay Fray for them we need their support (we learnt from the Gunnamatta campaign that challenging policy with science, legals and pro research does NOT come for free): sign up as members at www.cleanocean.org

Until next time ...COF members can lean on friends, colleagues and family to enter the fray for a non-toxic bay.

James Clark-Kenedy
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