

Position Paper on the Current Stormwater Quality Improvement Device Evaluation (SQIDEP) Protocol

This paper summarises Stormwater Victoria's position on the SQIDEP protocol, and has been developed by the SV SQIDEP Working Group, formed in November 2019 and comprising elected SV committee members. The position has been derived with consideration to our direct consultation with Stormwater Australia, the SQIDEP Technical Review Panel (TRP) and Governance Review Panel (GRP), and ultimately via engagement with our members in the form of a survey (August 2021).

Introduction

SV is the pre-eminent body in Victoria representing organisations and individuals involved in stormwater flow, environmental quality and use, adopting an integrated approach to stormwater management by encouraging interaction between the many disciplines and parties engaged in our industry. SV provides leadership, professional support, and technical guidance on niche issues specific to stormwater management, and advocate to ensure sustainable stormwater management is fully integrated into broader discussions around water management and urban development at a state and national level through our links to Stormwater Australia and the network of state-based stormwater associations.

SV represents 279 members, who are diverse, knowledgeable and committed professionals working across government, industry and academia from a range of technical and professional backgrounds, including engineering, landscape architecture, urban planning, education, environmental management, policy, sustainability and community engagement.

SV recently engaged with our membership to gain an understanding of industry sentiment regarding the current SQIDEP Version 1.3 (December, 2018). We want to extend sincere gratitude to all survey respondents for sharing their time and perspective with the SV SQIDEP Sub-committee working group. This position statement has been produced based on the feedback received during this survey (7th July to 3rd August 2021) and is therefore taken to broadly reflect the perspectives of the wider SV membership.

From this engagement survey and ongoing consultation with other stormwater associations and regulators across the country, it is clear that SV members and the greater industry acknowledges the significant value and potential of a national protocol for testing and assessing the performance of proprietary stormwater quality treatment devices. There is a clear intention from respective member organisations, associations and regulators to support a version of SQIDEP that meets a benchmark for transparency, equity, accessibility and consistency.

Nonetheless, prevailing concerns prevent the vast majority of member organisations from endorsing the current SQIDEP Version 1.3. These concerns can be broadly categorised into three distinct aspects:

- Development – the process under which the current protocol was developed
- Implementation – the process under which the current protocol is currently being implemented

- Future – the process under which the current protocol is looking to be implemented into the future

These broad categories are discussed further in subsequent sections, with a summary of the survey provided first below.

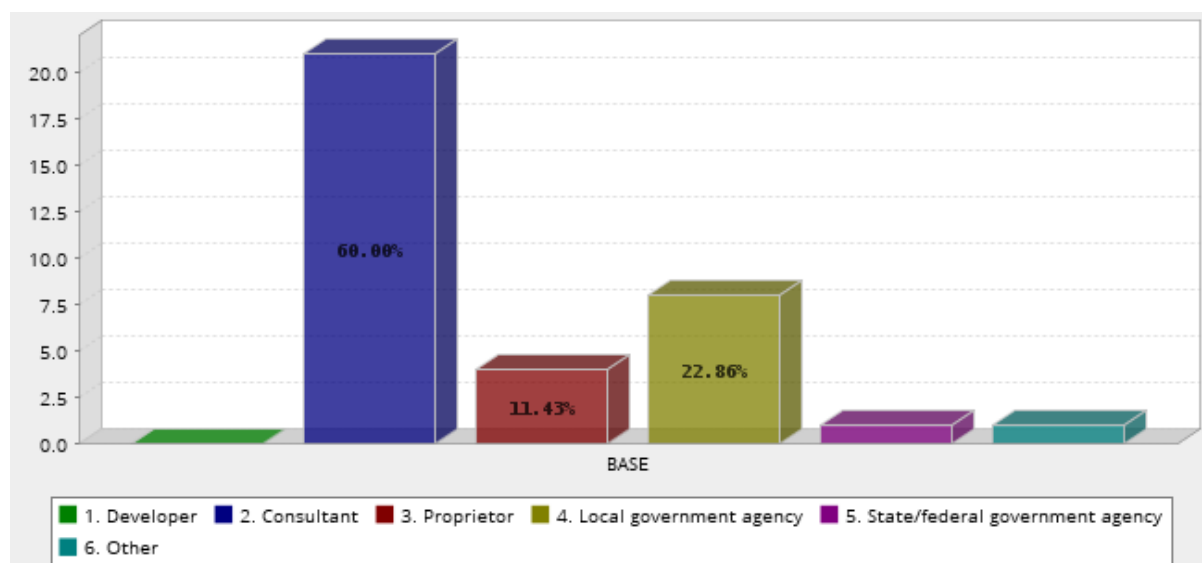
Survey Summary

As mentioned, the survey was opened on the 7th July, for approximately one month, closing 3rd of August. The survey was promoted via our membership email list, the SV Newsletter ‘The Outlet’ and LinkedIn.

The survey was completed by 37 members, with overall stats shown below.

Viewed	Started	Completed	Completion Rate	Drop Outs (After Starting)	Average Time to Complete Survey
507	116	37	31.9 %	79	4 minutes

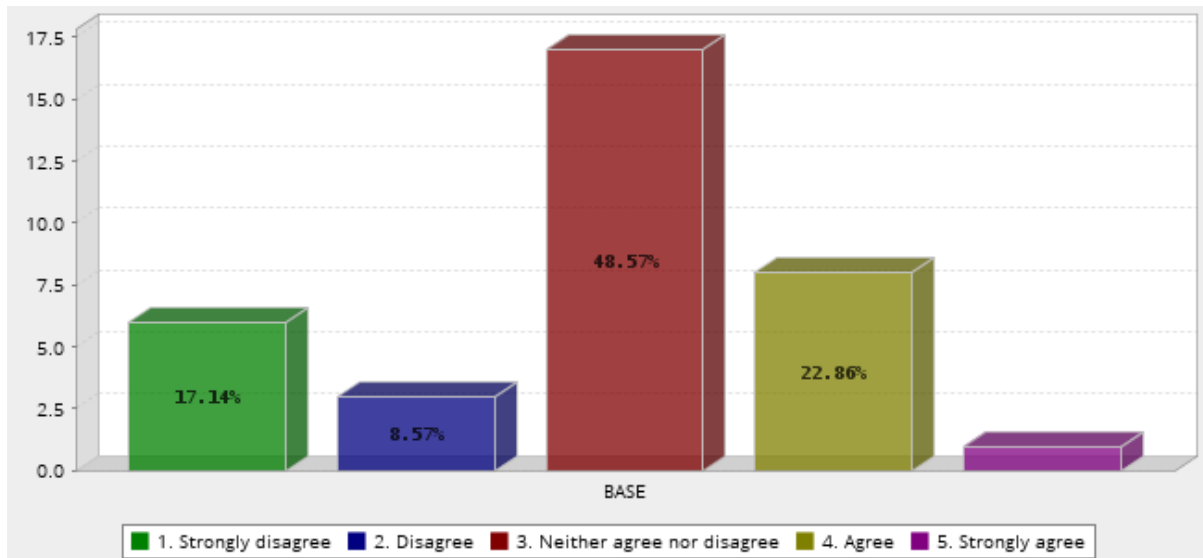
Further, the below chart indicates the cross-section of respondents based on Question 1 (*Please indicate which sector do you best belong to in the stormwater industry*).



Fourteen questions were asked. The general stats are:

- 40 % of respondents indicated that people in their organisation are ‘Moderately’ familiar with SQIDEP, approximately 34 % indicated ‘Not at all’ and 26 % indicated ‘Strongly’;
- 70 % of people felt they were ‘Not at all’ or only ‘Slightly’ directly consulted on SQIDEP during its development;
- 29 % indicated they had provided feedback to Stormwater Australia during the development of SQIDEP, with 35 % indicating they hadn’t provided feedback as they weren’t aware of the opportunity. Of those that did provided feedback, 15 % indicated their feedback was Not at all suitably addressed and 12 % indicated their feedback was addressed ‘Well’;

- 34 % of respondents support SQIDEP or plan on doing so in the near future and 14 % do not. Of the 52 % of respondents who answered ‘Unsure’ most were generally negative (described in more detail later);
- Lastly, 26 % of respondents agreed the current version represents a robust and balanced protocol, while 26 % disagreed. The breakdown of responses between ‘Strongly Disagree’ to ‘Strongly Agree’ is shown below (based on the question: *Overall, how much do you agree with the following statement: ‘The current version of SQIDEP represents a robust and balanced protocol’?*).



Further analysis of the survey responses under the three broad categories previously mentioned are described below.

Development

As mentioned, this section addresses the survey response with respect to the process under which the current protocol (Version 1.3) was developed.

Industry Consultation - Many important industry stakeholders and regulators across Victoria have expressed a perceived lack of opportunity to participate in the protocol development process. Where participation was possible or invited and feedback provided, some perception persists that stakeholder inputs have not been considered or adequately addressed by the protocol authors. Lack of transparency was referenced a lot by respondents. There does not appear to be a process or communication framework from Stormwater Australia regarding how decisions were made during drafting of the protocol. This includes why feedback has or has not been incorporated in the protocol. One Council respondent captures this by saying that Council’s bear the brunt of enacting BPEM but are often left out of the conversation: *It is disappointing we have not been requested to be involved more. [Council] has big concerns with proprietary products.* Another Council respondent indicated they felt they didn’t get enough time to respond.

Opportunity # 1: Increase industry consultation to overcome a lack of transparent process and include stakeholder feedback into the final protocol.

Transparency - A lack of transparency exists regarding how key decisions are made, how independent the decisions are, how the governance framework has been set up and crucially, how management of Conflicts of Interest (CoI) from key decision makers is managed. Stormwater Victoria appreciates that CoI issues may be adequately managed within Stormwater Australia however industry is quite concerned about the lack of transparency with respect to CoI, namely that no public process or declarations are made available.

Opportunity # 2: Create a public Conflict of Interest register with records of declarations made or actions taken to manage conflicts. Need to document and publish a process for management of conflicts of interest as well as document how key decisions are generally made and how independent these are. A clearly documented governance framework is required.

Commercial influence – A prevailing concern exists regarding individuals with a substantial commercial interest in the protocol having had inappropriate or undue influence over the composition and implementation of the protocol to date. For instance, the neutrality of protocol authors may be questionable given product proprietors and their consultants have been primarily responsible for progressing the protocol to its current state. This concern extends to undocumented decisions made on all aspects of the existing SQIDEP Version 1.3, including the protocol composition, technical basis, governance framework, transparency processes, application review and approvals, etc.

Opportunity # 3: Creation of the current version of the protocol is perceived to have had undue influence from individuals with a real or perceived conflicted commercial interest. This includes both technical and governance aspects of the current v1.3 protocol and presents a significant risk to widespread adoption and industry trust. To manage this perception, improvements to the technical and governance aspects of the existing protocol are needed to promote fairness and transparency. Until these improvements are implemented, and greater industry adoption is achieved, an immediate halt on all new product endorsements is warranted. Looking forward, it is appropriate to consider and apply any changes in the existing protocol to existing product approvals.

Implementation

Addresses the survey response with respect to the process by which the current protocol (Version 1.3) is being implemented.

Adoption – One of the biggest matters raised by respondents was the lack of adoption by stakeholders, particularly drainage authorities such as Melbourne Water. Also, after several years of being actively implemented, very few local government agencies support SQIDEP Version 1.3. No major government regulators have endorsed the protocol. The major regulators and local government organisations across Victoria, who are seen as industry leaders, have expressed critical concerns with the current SQIDEP protocol and do not recognise or endorse the protocol in its current form. With respect to local government agencies that responded to the survey, 78 % did not support, or were unsure if they supported, SQIDEP. Adoption is critical for the success of a national protocol. Stormwater Victoria urges Stormwater Australia to meaningfully engage with key stakeholders to achieve a substantially higher adoption rate across the industry. Proceeding to

implement an unrecognised protocol fraught with issues may risk the perceived legitimacy of the program and threaten its success into the future.

To provide some guidance on why local government agencies have responded they don't support (or are unsure whether they support) SQIDEP in its current form, the following main reasons were provided:

- *Lack of confidence with results produced based on background assumptions and protocols*
- *Don't fully understand the implications of SQIDEP*
- *[Council] certainly recognise the potential benefits of this program. However, we are yet to consider its adoption and currently lack the frameworks, guidelines and specifications to fully utilise it.*
- *We do not believe the consultation with Council was made and it was extremely insufficient.*
- *I don't know if my organization is interested to support or involve in SQIDEP.*
- *Need to assess the process and report internally*
- *[Council] has big concerns with proprietary products. These include: - Issues with nitrogen reduction -The maintenance – set and forget/ lock-in compared to convention WSUD (i.e. raingardens are much easier to maintain; you can see issues; -The modelling is based on maintenance regimes that won't happen, especially in private development scenarios -Testing is done in conditions that aren't applicable for all areas. Loss of co-benefits like water harvesting, greening, nature. -Offsets are more practical than proprietary products. -Developers using proprietary products are doing so in a short-term way to meet BPEMG.*

Two Local Government agencies support SQIDEP, saying:

- We are in discussion with equipment supplies on this same matter and are undertaking our own assessments
- It is one of our strategic goals

Opportunity # 4: Develop a clear and transparent strategy for achieving widespread industry adoption to secure the success of the SQIDEP program. This strategy must address how and when key issues regarding the existing protocol will be resolved, as raised by government agencies and regulators across the country.

Technical - It is appreciated that Stormwater Australia has received substantial feedback regarding technical aspects of the current SQIDEP protocol that requires improvement for many key industry stakeholders. This feedback includes technical submissions from industry associations, peer review from an academic institution, position statements from major water regulators and feedback from SV members. Many of these technical concerns are yet to be acknowledged and addressed. Some of the issues raised by the survey respondents include:

- Field testing is only relevant to the location of testing.
- It is difficult to see how implementation can occur with the current information, even when you consider across Melbourne the variation in rainfall, water values, groundwater influence and soil types are so varied (example given was Moreland rainfall versus Port Phillip rainfall).

- Data appears to be able to be cherry picked too easily. (Good data emphasised, inaccurate data ignored).
- How is temperature taken into account? This will cause significant variability.
- For Council, it's easier to just assume no TN and limited TP removal for proprietary products.
- Modelling and results represent ideal maintenance arrangements which is doubtful to occur.
- There doesn't appear to be enough peer scrutiny of the products.

Nonetheless, SV understands that a Technical Review Panel (TRP) has been established to review suggested improvements. SV suggests that Stormwater Australia publish a full list of technical challenges for SQIDEP improvement going forward, drawing from the submissions gathered from stakeholders to date and inviting additional submissions from stakeholders from across the country. SV recommends all technical issues should be assigned a priority, action and timeframe for resolution. This information and progress should be made publicly available (eg. via website, newsletter, etc) and be subject to open discussion and ongoing review.

Time appears to be a critical barrier to implementing SQIDEP, however we recommend the time should be taken to get it right. A quote from a consultant respondent: *There are solutions to its technical weaknesses. I believe a reluctance to consider these solutions are partly due to the main product providers wanting any new players to go through the same [process] that they have had to spend a small fortune on. Also, I think that the current poor governance practices are being driven by a determined push from Stormwater Australia for things to move forwards - but that this approach is doing more harm than good.*

Opportunity # 5: Create a roadmap to incorporate technical improvements and clear delineation of accountability in implementing improvements. One suggestion may be to assign a priority, action and timeframe for resolution for all technical issues raised.

Governance – Questions about governance are consistently raised in the survey responses, with a concern for lack of transparency in the governance of the protocol being a key issue. Questions about Stormwater Australia's ability to be the sole administrator were also raised. From SV's point of view, under current governance arrangements, it appears that the Governance Review Panel (GRP) acts as an oversight panel for the Board of Stormwater Australia. However, it is understood that the Board maintains absolute discretion over all recommendations of the GRP including those about the Board itself. The role of the GRP in guiding or influencing the TRP is also unclear. This appears to be an intricate arrangement which we believe impacts on the credibility of current and future approvals.

Opportunity # 6: Clarify the roles and responsibilities of the TRP, GRP and the Board of Stormwater Australia in administering and updating the protocol.

Future

Addresses the survey response with respect to the process by which the protocol is looking to be implemented into the future.

Legacy Approvals – were questioned by survey respondents. It is appreciated that ongoing improvements to SQIDEP will be implemented with successive protocol versions. Industry requires clarification from Stormwater Australia on how approvals under previous versions of the protocol are handled when a significant update is executed. The strategy for managing historical certifications under superseded versions of SQIDEP must seek to maintain the credibility of the protocol.

Ongoing Implementation – In light of the substantial issues identified by stakeholders in the current SQIDEP Version 1.3 that exposes the overall program’s legitimacy, SV advocates for Stormwater Australia to prioritise improvement of the existing protocol. This should be undertaken with consideration of the opportunities identified above and involve consultation with a wide representation of the stormwater industry across the country.

An improved protocol will increase the industry’s adoption and improve the prospect of a successful national protocol. An immediate halt on all new product approvals should be considered until a substantial improvement in endorsement and adoption by government regulators and authorities across the country is achieved.

Support for SQIDEP

It is clear from the survey response that there is widespread support of the concept despite its issues. The following is a snapshot of the survey response when asked *If you are familiar with SQIDEP, what do you believe are its strengths?*

- *Its strength is that it exists. We haven’t had any real assessment for stormwater quality devices before so it is well needed.*
- *It is intended to be a National Program. It has some sound technical content based on other field protocols.*
- *not sure there are strengths*
- *Good idea, bad execution.*
- *SQIDEP provides a tool to assess all stormwater treatment*
- *Trying to get a consistent position & clarity for developers and consultants.*
- *It pulls some technical detail from protocols already in use and across National reach.*
- *Standard assessment process to see if proprietary SWQT devices are any good.*
- *A consistent national protocol is valuable to assist less resourced authorities decide on appropriate stormwater quality interventions, assuming the product performs as claimed. That’s why SQIDEP is important - we need to ensure products actually perform as manufacturer claims.*
- *The ability to streamline product use within Councils and improve their own internal processes for maintenance of these assets.*
- *Consistency across all areas of LGA, one of the challenges is designing a system that works and is accepted in one council, the next council won’t approve because of some preconceived notion that proprietary products not working. SQIDEP will streamline and be a win for the environment.*

Recommendations

Despite shortcomings in the current SQIDEP Version 1.3, widespread industry support for the concept is apparent. Therefore, Stormwater Victoria strongly urges the Board of Stormwater Australia to engage with state stormwater associations, local governments, regulators and the wider



stormwater industry to improve the existing SQIDEP Version 1.3, with the scope to achieve widespread industry support for a national protocol.

In addition to the issues raised, Stormwater Victoria provides the following recommendations and suggestions to the Board of Stormwater Australia:

- The current Version 1.3 SQIDEP is not considered to be fit-for purpose. It must be reviewed and updated by Stormwater Australia, in consultation with representative authorities and regulators, including major local governments across the country, to achieve substantially greater endorsement and adoption.
- Greater transparency is strongly needed. This might include publication of and justification for technical improvements, governance arrangements and assessment of applications. Stormwater Australia should consider looking to other industries or international examples where similar protocols have been successfully implemented.
- All products approved under the existing SQIDEP Version 1.3 protocol are recommended to be reviewed under the revised technical and governance aspects of an updated protocol that has achieved widespread support from major industry regulators in Victoria. No further products should be approved under the existing Version 1.3 of SQIDEP until widespread adoption has been achieved and a significantly improved Version 4 goes live.
- Proprietors and those directly engaged by proprietors are to be excluded from key decision-making of future protocol versions. Information and data to support future decision-making should be welcomed. Proprietors are considered to have too strong a commercial interest in the protocol to make fair and balanced decisions on its design and implementation.

Stormwater Victoria is pleased to be able to provide this position paper on behalf of its members. We appreciate Stormwater Australia's understanding in this matter and would be happy for any opportunity for further consultation.