



## ENVIRONMENTAL INCIDENT RESPONSE

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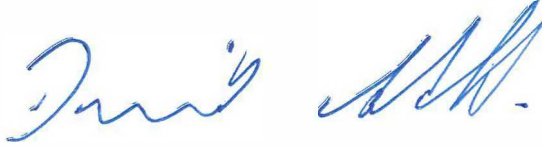
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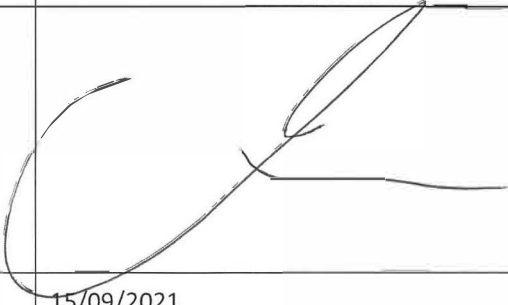
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## 1. PURPOSE

To ensure while undertaking business activities, One Rail Australia (ORA) has processes in place to identify, evaluate, control and review environmental incidents and emergency situations, including notification, reporting and investigation of these incidents.

## 2. SCOPE

This procedure applies to all:

- ORA's operations and activities;
- ORA controlled infrastructure: and
- Where relevant, to employees, contractors and their workers, and visitors.

This procedure applies in conjunction with the following environmental authorisations:

- New South Wales EPL21368 (rollingstock operations).
- Northern Territory EPL222 (waste transport).
- South Australia EPA2933 (railway operations).

## 3. REFERENCES

### ***ORA***

- Environmental Management Plan Tarcoola to Darwin EV-PLN-003.
- Spill Kit Work Instruction EV-WIN-013.
- Environmental Management Plan EV-PLN-001.

### ***South Australia***

- Environment Protection Act.
- Environment Protection Regulations.
- South Australian EPA Licence 2933.

### ***Northern Territory***

- Waste Management & Pollution Control Act.
- Environmental Protection Act.
- Water Act.
- Northern Territory Environment Protection Licence 222.

### ***New South Wales***

- Protection of the Environment Operations Act.
- Protection of the Environment Legislation Amendment Act.
- New South Wales Environment Protection Licence 21368

### ***Queensland***

- Environment Protection Act.
- Environment Protection Regulation.

### ***ARTC***

- Environmental Management Plan for Operators on the ARTC Network ENV-PR-004

#### 4. DEFINITIONS

Definitions are included in Appendix A.

#### 5. RESPONSIBILITIES

##### 5.1. Chief Executive Officer

The Chief Executive Officer shall be responsible for ensuring the following:

- that all workers are aware of and comply with the requirements of this procedure;
- that the requirements of this procedure are adequate and rigorously applied to the full scope of the organisation's operations and activities;
- the provision of adequate resources for implementation and maintenance of this procedure, including the training of key personnel as required to achieve its goals and objectives.

##### 5.2. Environment Manager

The Environment Manager shall be responsible for

- ensuring that sites are supported after any environmental incident, providing facilitation support to ensure this procedure is complied with;
- ensure all incidents are reported and investigated in accordance with legislative and regulatory requirements;
- ensure that existing procedures are reviewed to ensure they are current and relevant to the works being carried out;
- that corrective actions are agreed and implemented in a timely manner post any incidents or near miss situations;
- updating and communication of this procedure and its relating procedures internally with the ORA operations, including to contractors and visitors, or third party operators.

##### 5.3. Track Superintendents and Depot Coordinators

All Track Superintendents and Depot Coordinators shall be responsible for

- ensuring that staff under their direct supervision are familiar with and comply with the requirements of this procedure and related environmental management plans and procedure;
- ensuring that incident investigations involving ORA resources are carried out in accordance with the requirements of this procedure plan and related environmental management plans and procedures;
- communication of this procedure and its relating procedures to their operational teams, contractors and visitors;
- Ensure that the client is notified of an event if it occurred on their site.

##### 5.4. ORA Employees

All employees are responsible for promptly and accurately reporting any non-compliance and environmental incidents to their Track Superintendent or Depot Coordinator, who will in turn ensure that these are reported into the TCIR system and this procedure initiated.

In the absence of both the Track Superintendent and Depot Coordinator, the employee shall directly contact the ORA Environment Manager.

##### 5.5. Management Team

The ORA Management Team and Board are responsible for the following:

- Providing adequate resources to investigate environmental incidents;
- Review all safety/environmental incidents that occur within the business;
- Support improvements to reduce the likelihood and severity potential of environmental incidents;

- Evaluate the effectiveness of corrective actions implemented post an incident;
- Update the Incident Response procedure and Environmental Management Plan as required after an environmental incident;
- Follow-up with Site depot managers where corrective action is inappropriate or not effective;
- Authorise corrective action where appropriate, and provide adequate resources to implement corrective actions;
- Provide regular reports as required to the CEO and/ or Government Departments.

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- Update the Incident Response procedure and Environmental Management Plan as required after an environmental incident;
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- Authorise corrective action where appropriate, and provide adequate resources to implement corrective actions;
- Provide regular reports as required to the CEO and/ or Government Departments.

## 6. PROCEDURE

### 6.1. Risk Management Methodology

#### *Identification*

ORA is committed to identifying all potential situations that could cause harm to the environment or has the potential to cause environmental harm while conducting its business activities. ORA has undertaken a comprehensive risk identification process, which identifies all the potential risks and incident situations that could arise while conducting business activities. These risks have been identified and documented in the ORA Environmental Plans EN-PLN-001, EV-PLN-003 and EV-PLN-004 and the associated Aspects and Impacts registers for every site.

Potential hazards are associated with:

- Operation of rollingstock
- Maintenance of rollingstock
- Locomotive refuelling
- Bulk fuel storage
- Transport of dangerous goods
- Use of hazardous chemicals and dangerous goods
- Generation of waste
- Transport of waste
- Rollingstock washing
- Trade waste & effluent collection, containment, treatment & disposal
- Transport of trade waste/effluent
- Track maintenance and repair activities
- Land clearing
- Water consumption
- Fire management
- Derailments

**Assessment**

ORA has a responsibility to assess all risks identified as a result of its business activities. ORA has a Risk Rating Criteria included within its Risk Management Framework (MS-PRC-002), which it applies to all risks identified. As a result of the likelihood and consequence, risks are determined to be categorised into Low, Medium, High or Extreme risk.

**Planning**

ORA plans and conducts regular reviews of its Environmental Management System. ORA plans and provides adequate resources to ensure the effectiveness of its Environmental Management System in managing and reducing risk so far as reasonability practicable.

**Evaluation & Review**

ORA are committed to ensuring risks are identified, assessed, controlled, and evaluated. ORA conduct regular reviews to ensure controls implemented are adequate and timely, and provide the risk reduction required to prevent re-occurrence. Regular reviews include audits, inspections, meetings and reporting through to management to ensure the ORA Risk Management procedures and process are adequate and functional. This review process also includes review of this procedure and relating procedures within the ORA Environmental Management System.

**Training & Awareness**

ORA is committed to training and development of its workers, contractors and visitors to ensure risks and control procedures and processes are communicated, and workers are aware of their responsibilities under these procedures. All workers and contractors will be trained in the requirements of this procedure and the relating Environmental Management procedures and plans.

**6.2. Type of Environmental Incident**

The type and severity of environmental incident occurring may vary and have been generally categorized in the following table.

This is not an exhaustive list and advice should always be sought based on individual circumstances.

*Table 1 - Environmental Incident Severity*

<b>Incident Level</b>	<b>Example</b>	<b>Estimated Punitive &amp; Remediation Cost</b>	<b>Regulatory Notification Required</b>
Low	<ul style="list-style-type: none"> <li>Chemical spill &lt;500L with no potential to contaminate water, including groundwater and is fully reversible.</li> <li>Excessive noise, dust, smoke or drag-out creation of a short duration.</li> <li>Illegal dumping on company property.</li> </ul> <p>A low level incident is considered to be at or below environmental nuisance.</p>	<\$5,000	No
Medium	<ul style="list-style-type: none"> <li>Chemical spill &gt;500L with no potential to contaminate water, including groundwater, and is fully reversible.</li> <li>Prolonged noise, dust and drag-out creation causing public complaint.</li> <li>Unauthorised Level 1* native vegetation clearance.</li> </ul>	<\$50,000	Yes

<i>Incident Level</i>	<i>Example</i>	<i>Estimated Punitive &amp; Remediation Cost</i>	<i>Regulatory Notification Required</i>
	<ul style="list-style-type: none"> <li>Loss of containment of listed waste or mine product (ore) that is easily contained causing short term environmental nuisance.</li> </ul> <p>A medium level incident is considered to be an environmental nuisance.</p>		
High	<ul style="list-style-type: none"> <li>Chemical spill with the potential to contaminate water, including groundwater.</li> <li>Unauthorised Level 2* native vegetation clearance.</li> <li>Damage to a single indigenous cultural heritage site.</li> <li>Loss of containment of listed waste or mine product (ore) with a potential to cause material environmental harm.</li> </ul> <p>A high level incident is considered to be material environmental harm.</p>	<\$200,000	Yes
Extreme	<ul style="list-style-type: none"> <li>Any chemical spill &gt;10,000L with the potential to contaminate water, including groundwater.</li> <li>Unauthorised clearance of native vegetation (Level 3* or above).</li> <li>Damage to multiple indigenous cultural heritage sites.</li> <li>Loss of containment of listed waste or mine product (ore) with the potential to cause serious environmental harm.</li> </ul> <p>An extreme level incident is considered to be serious environmental harm.</p>	>\$200,000	Yes

**6.3. Incident Response: Immediate control measures following an incident**

Incident response shall be initiated immediately if safe to do so as outlined in figure 1, the ORA facility manager must also be notified as soon as practicable to allocate resources onsite if available. The ORA facility manager will then contact Transport Control to initiate a Transport Control Incident Report (TCIR) to the wider company and coordinate emergency services if required.

For the case of a high or extreme level incident, the area must not be disturbed beyond the extent necessary to prevent further environmental harm (such as the use of oil and spill booms adjacent waterways).

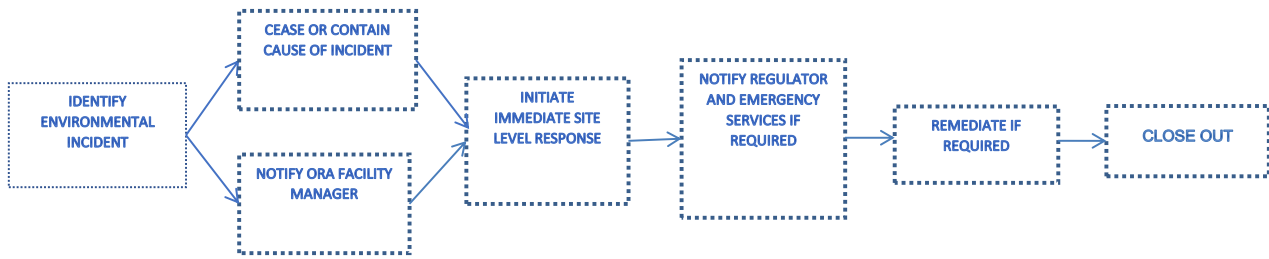
If applicable, further assessment and consultation between ORA and responsible third parties will be required before clean-up of high and extreme level incidents can occur.

ORA advocates and encourages the use of its emergency response equipment in the event of a third party environmental incident.

For the case of a persistent environmental release such as dust, noise or spills – the cause of the release must be remedied immediately if safe to do so. Drains and surface water bodies must also be protected during the initial response.



Figure 1 - Incident Response Flowchart



**6.4. Initial Incident Reporting**

Incidents are reported into the TCIR system. This is the initial incident reporting process, and also used as the incident communication process internally for ORA. The site depot manager shall then complete (or arrange to have completed) the Near Miss, Hazard, Incident report Form MS-FRM-002 and initiate other actions and communication as per this procedure.

**6.5. Notification**

Further notifications must be carried as follows. Regulatory notification contact details are included in Table 2.

**6.5.1. Notification of Serious or Material Environmental Harm**

In instances where serious or material environmental harm is either caused or threatened, regulator notification must be made as soon as is practicable after the event. This will typically include all high and extreme level events but may also include medium level events in some circumstances.

**6.5.2. Notifications under Environmental Authorisation**

In addition to State and Territory notification requirements, the following additional notification and reporting is required, subject to the activity being undertaken.

**6.5.2.1. EPL 222 – Listed Waste Handling Activities**

Recording and reporting requirements are listed in EPL222 within the following licence conditions.

- 25. The licensee must notify the NT EPA of any non-compliance with this licence by completing the Non-Compliance Notification via NT EPA Online (or by emailing [waste@nt.gov.au](mailto:waste@nt.gov.au)), as soon as practicable after (and in any case within 24 hours after) first becoming aware of the non-compliance.
- 26. The licensee must include in the notification of non-compliance the following information:
  - 26.1 When the non-compliance was detected and by whom;
  - 26.2 The date and time of the non-compliance;
  - 26.3 The actual and potential causes and contributing factors to the non-compliance;
  - 26.4 The risk of environmental harm arising from the non-compliance;
  - 26.5 The action(s) that have or will be undertaken to mitigate any environmental harm arising from the non-compliance;
  - 26.6 Corrective actions that have or will be undertaken to ensure the non-compliance does not re-occur; and

- 26.7 If no action was taken, why no action was taken.
- 26.8 A date when the incident investigation report will be submitted to the NT EPA

**6.5.2.2. SA EPA Licence 2933 – Railway Operations**

Notification requirements are included within Licence Explanatory Notes of EPA2933 as follows.

*If serious or material environmental harm from pollution is caused or threatened in the course of an activity, the licence holder must, as soon as reasonably practicable after becoming aware of the harm or threatened harm, notify the EPA (preferably on EPA emergency phone number 1800 100 833) of the harm or threatened harm, its nature, the circumstances in which it occurred and the action taken to deal with it in accordance with section 73 of the Environment Protection Act 1993 (the Act). In the event the primary emergency phone number is out of order, the licence holder should phone (08) 8204 2004.*

**6.5.2.3. NSW EPA Licence 21368 – Rollingstock Operations**

Notification requirements are included within the Licence Conditions R2 as follows.

Notifications must be made by telephoning the Environment Line service on 131 555. The licensee or its employees must notify all relevant authorities of incidents causing or threatening material harm to the environment immediately after the person becomes aware of the incident in accordance with the requirements of Part 5.7 of the Act. The licensee must provide written details of the notification to the EPA within 7 days of the date on which the incident occurred.

*Table 2 - Incident Notification Details*

<b>ORA Complaints Number</b>		<b>08 8343 5430</b>	
<b>ORA Environment Manager</b>		<b>0458 628 406</b>	
<b>EPA Incident Reporting Hotline – by State and Territory</b>			
<b>Jurisdiction</b>	<b>Regulator</b>	<b>Telephone</b>	<b>Website or email</b>
South Australia	EPA SA	(08) 8204 2004 1800 100 833 (EPA Emergency Line)	<a href="http://www.epa.sa.gov.au">www.epa.sa.gov.au</a>
Northern Territory	EPA NT	1800 064 567 (pollution hotline)	<a href="mailto:pollution@nt.gov.au">pollution@nt.gov.au</a> (Section 14 incident notification under WMPC Act) <a href="mailto:waste@nt.gov.au">waste@nt.gov.au</a> (listed waste handling under EPL222)
New South Wales	EPA NSW	131 555 (within NSW) (02) 9995 5555 (outside NSW)	<a href="http://www.environment.nsw.gov.au">www.environment.nsw.gov.au</a>
Victoria	EPA VIC	1300 372 842	<a href="http://www.epa.vic.gov.au">www.epa.vic.gov.au</a>
Western Australia	EPA WA	1300 784 782	<a href="http://www.epa.wa.gov.au">www.epa.wa.gov.au</a>
Queensland	EPA	1300 130 372	<a href="http://www.ehp.qld.gov.au">www.ehp.qld.gov.au</a>
<b>Work, Health &amp; Safety (WHS) Reporting Hotline – by State and Territory</b>			
South Australia	SafeWork SA	1800 777 209	<a href="http://www.safework.sa.gov.au">www.safework.sa.gov.au</a>
Northern Territory	NT WorkSafe	1800 019 115	<a href="http://www.worksafe.nt.gov.au">www.worksafe.nt.gov.au</a>

New South Wales	SafeWork NSW	13 10 50	www.safework.nsw.gov.au
Victoria	WorkSafe Victoria	1800 136 089	www.worksafe.vic.gov.au
Western Australia	WorkSafe WA	1300 307 877	www.commerce.wa.gov.au/worksafe
Queensland	Workplace Health & Safety Qld	1300 369 915	www.worksafe.qld.gov.au

**6.6. WHS Notifiable Incident**

Work Health & Safety Incidents: For the purposes of environmental reporting, WHS regulators are to be contacted when a dangerous incident exposes someone to a serious risk to their health or safety as a result of an environmental incident. The National WHSE Manager shall review the Environmental incident and confirm if it is required to be reported under the WHS Dangerous occurrences reporting requirements. It is the responsibility of the National WHSE Manager to report all WHS incidents and Dangerous occurrences.

**6.7. Incident Investigation**

Investigations shall commence as soon as practicable after the incident, but no later than two working days from the incident. For high and extreme level events, the final incident report must be completed within 14 days of the date of the incident. For environmental incidents requiring regulatory investigation, it is expected that ORA will assist authorities in completing their investigation, including site access where required.

**6.8. Incident Corrective and Preventative Actions**

Corrective and preventative actions are to be included and tracked to completion within Combined Business Unit Meetings for the relevant business area (MS-FRM-055).

Outcomes of high and extreme level events are to be reported individually to senior management, including to CEO and board level as required.

**6.9. Incident Communication**

If appropriate or beneficial, key points from environmental incidents will be reported to the wider business using the ORA Incident Alert HS-FRM-016.

The ORA Incident Alert should contain a brief description of the incident, any photographs or diagrams that aid understanding, a summary of the key contributing factors and most importantly the key learning’s that are of relevance to the business.

The ORA Incident Alert should be communicated through the business network and other relevant networks.

**6.10. Seeking Legal Advice and Legal Professional Privilege**

Legal advice should be obtained when an incident has a risk rating of high or extreme, or where it is felt that due to the circumstances of the event that legal advice be obtained. If legal advice is sought, provisions of this procedure with respect to incident investigation and communication should not be initiated until confirmation has been received from the CEO.

**7. REVIEW**

This procedure will be reviewed every three years unless there a change which warrants it to be done earlier.

## A.1 APPENDIX A – DEFINITIONS

### **Accident**

An unexpected and unplanned occurrence, which results in damage equipment or to the environment.

### **Contributing Factor**

A condition, oversight, system failure, act or omission, which contributed to the occurrence of an injury/ incident.

### **Environmental Harm (as defined in WMPC Act)**

- a) any harm to or adverse effect on the environment; or
- b) any potential harm (including the risk of harm and future harm) to or potential adverse effect on the environment.

of any degree or duration and includes environmental nuisance.

### **Environmental Incident**

‘An unexpected event that may result in harm to the environment and requires some action to minimise the impact or restore the environment’.

Environmental incidents involving ORA and its contractors can include (but not be limited to) the following:

- spills of waste, fuels, oils, chemicals and other hazardous materials;
- overflow of sediment basin or other containment devices;
- failure of temporary erosion and sediment controls;
- contamination of waterways or land;
- accidental starting of fire or fire breaking out of containment;
- breach of licence, permit or approval requirement;
- breach of legislative requirements;
- illegally dumped waste;
- unplanned disturbance of acid sulphate soils (or subsequent pollution);
- accidental harm to vegetation, fauna or habitat (e.g. hollow logs);
- accidental harm to heritage items or locations (Aboriginal and non-Aboriginal);
- public complaints arising from ORA’s activities (relating to environmental issues).

### **Environmental Nuisance (as defined in WMPC Act)**

- a) an adverse effect on the amenity of an area that:
  - is caused by noise, smoke, dust, fumes or odour; and
  - unreasonably interferes with or is likely to unreasonably interfere with the enjoyment of the area by persons who occupy a place within the area or are otherwise lawfully in the area; or
- b) an unsightly or offensive condition caused by contaminants or waste.

### **Incident**

Incidents are unwanted events that occur during the course of operations.

Incidents can be injuries to person(s), damage to plant and equipment, harm to the environment, or near misses which could have resulted in any, or all, of the previous descriptors.

**Listed waste (as defined in WMPC Act)**

Means a waste prescribed for the purposes of the definition.

**Material environmental harm (as defined in WMPC Act)**

- a) is not trivial or negligible in nature;
- b) consists of an environmental nuisance of a high impact or on a wide scale;
- c) results, or is likely to result, in not more than \$50,000 or the prescribed amount (whichever is greater) being spent in taking appropriate action to prevent or minimise the environmental harm or rehabilitate the environment; or
- d) results in actual or potential loss or damage to the value of not more than \$50,000 or the prescribed amount (whichever is greater).

**Near Miss**

An unplanned event that did not result in an injury, illness, or material harm to the environment but it had the potential to do so.

**Pollute (as defined in WMPC Act)**

- a) emit, discharge, deposit, or disturb, directly or indirectly, a contaminant or waste; or
- b) cause permit or fail to prevent, directly or indirectly, the emission discharge, deposition, disturbance or escape of a contaminant or waste.

**Pollution (as defined in WMPC Act)**

- a) a contaminant or waste that is emitted, discharge, deposited or disturbed or that escapes; or
- b) a contaminant or waste, effect or phenomenon, that is present in the environment as a consequence of an emission, discharge, deposition, escape or disturbance of a contaminant or waste.

**Pollution (as defined in POEO Act)**

*Pollution incident* means an incident or set of circumstances during or as a consequence of which there is or is likely to be a leak, spill or other escape or deposit of a substance, as a result of which pollution has occurred, is occurring or is likely to occur. It includes an incident or set of circumstances in which a substance has been placed or disposed of on premises, but it does not include an incident or set of circumstances involving only the emission of any noise.

**Serious environmental harm (as defined in WMPC Act)**

Means environmental harm that is more serious than material environmental harm and includes environmental harm that:

- a) is irreversible or otherwise of a high impact or on a wide scale;
- b) damages an aspect of the environment that is of a high conservation value, high cultural value or high community value or is of special significance;
- c) results or is likely to result in more than \$50,000 or the prescribed amount (whichever is greater) being spent in taking appropriate action to prevent or minimise the environmental harm or rehabilitate the environment; or
- d) results in actual or potential loss or damage to the value of more than \$50,000.

**Spill**

Potential liquid spill; hydrocarbon (oil, grease, fuel) or chemical spill, dumping of waste material or other releases that can create a hazard to life or property or cause environmental harm.

Examples include liquid hydrocarbons (oil & fuel), acids or other chemicals, or any substance (liquid or solid) that contain controlled or hazardous substances.

**Waste (as defined in WMPC Act)**

- a) a solid, a liquid or a gas; or
- b) a mixture of substances,

that is or are left over, surplus or an unwanted by-product from any activity (whether or not the substance is of value) and includes a prescribed substance or class of substances.

**Water (as defined in WMPC Act)**

- a) surface water, ground water and tidal waters;
- b) coastal water of the Territory, within the meaning of the *Coastal Waters (Northern Territory Powers) Act 1980* of the Commonwealth; and
- c) water containing an impurity.