

Environment Guidance Note Development Workshop

31 May 2012



Agenda

- Building induction
- Introductions
- General NOPSEMA update
- Environment plan (EP) guidance note project
 - Guidance note project status
 - Guidance note framework
 - Planned consultation process
 - Feedback
 - Overview of each guidance note coverage
 - Feedback

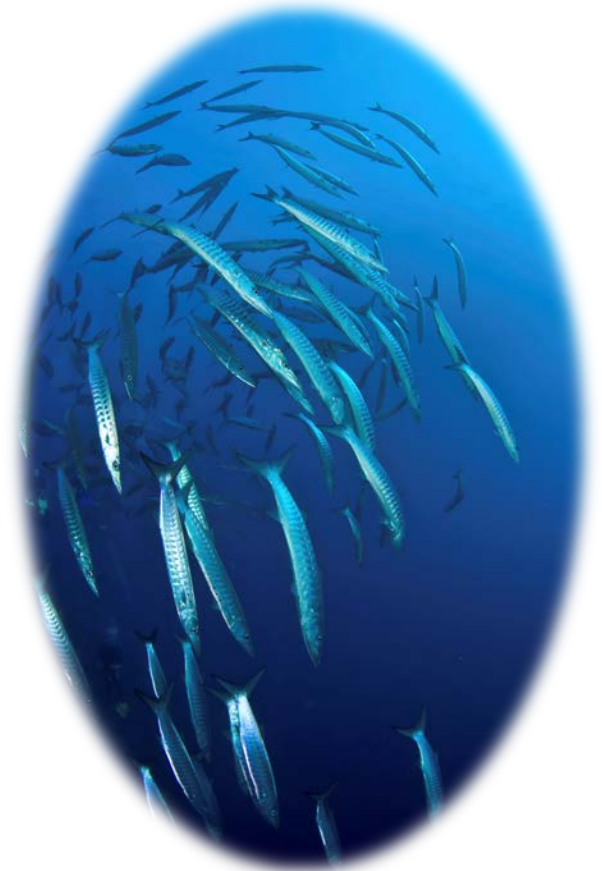
Overview*

Submissions Received	43
Transferred from DAs	6
Acceptances	15
Refusals	3
Returned to Operator	16
With NOPSEMA	9

*as at 30 May 2012

Environment regulation activities in 2012

- New consultation regulations
- Inspections
- Inherited Environment Plans
- EPBC Act administrative streamlining and accreditation
- Environmental management workshops
- Environment regulation review
- Environment plan guidance





New consultation regulations

- Revised Regulation 11(1)(f):

for the requirement mentioned in paragraph 16 (b) — demonstrates that:

- i. the operator has carried out the consultations required by Division 2.2A; and*
- ii. the measures (if any) that the operator has adopted, or proposes to adopt, because of the consultations are appropriate;*

- Division 2.2A / Regulation 11A addresses:

- A relevant person
- Sufficient information
- Reasonable period for consultation



New consultation regulations (2)

- Regulation 16(b) requires:

a report on all consultations between the operator and any relevant person, for regulation 11A, that contains:

- i. a summary of each response made by a relevant person; and*
- ii. an assessment of the merits of any objection or claim about the adverse impact of each activity to which the environment plan relates; and*
- iii. a statement of the operator's response, or proposed response, if any, to each objection or claim; and*
- iv. a copy of the full text of any response by a relevant person;*

Environmental management inspections

- NOPSEMA undertakes inspections in a planned and coordinated fashion
- Annual inspection program, updated quarterly
- NOPSEMA retains the rights to undertake other inspections not captured in the annual program.
- Operators will be provided with an inspection brief prior to an inspection and a report on completion of an inspection.





Inherited environment plan reviews (1)

- NOPSEMA is reviewing ‘in force’ EPs transferred from DAs (‘inherited EPs’):
 - Screening process to prioritise EPs for review
 - NOPSEMA will seek confirmation of completed activities
 - **All inherited EPs for activities not completed will be reviewed**
 - Check / request operator nomination (Regulation 31)
 - Review EP against criteria in Regulation 11(1)
- NOPSEMA may request a proposed revision of the plan ‘if the Regulator is not satisfied’ it meets one or more criteria

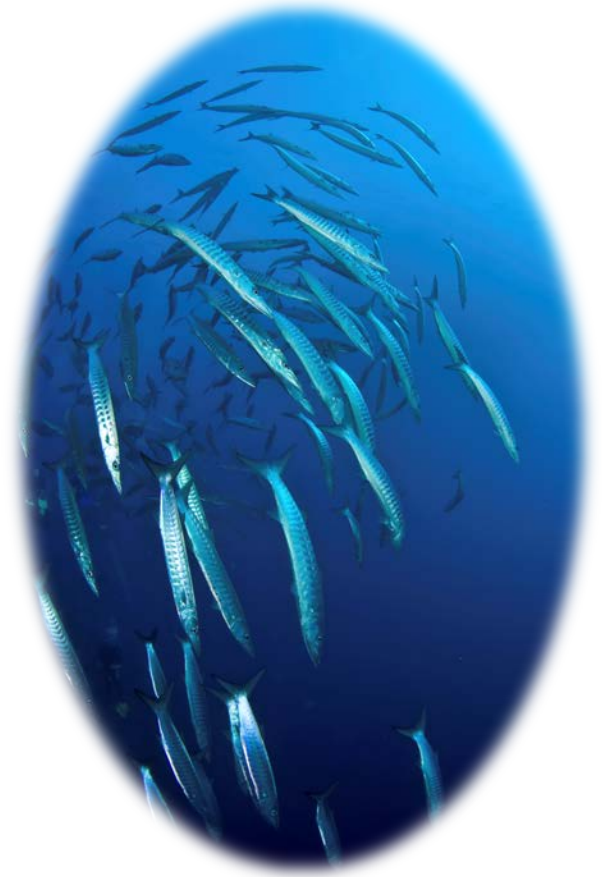


Inherited environment plan reviews (2)

- Expected to take 4-6 months to complete reviews
- Interim EP Preparation Guidance being updated
- Operators can revise EP independently of a request from NOPSEMA
- If a proposed revision is requested, the revised EP will:
 - need to meet all the requirements of the current regulations
 - be subject to the levy requirements

Environment regulation activities in 2012

- New consultation regulations
- Inspections
- Inherited Environment Plans
- EPBC Act administrative streamlining and accreditation
- Environmental management workshops
- Environment regulation review
- Environment Plan Guidance



EP guidance note – introduction & update

- Initiated process at APPEA environment conference (Nov 2011)
- Focus to date on NOPSEMA implementation and assessing EPs
- Interim EP guideline published (replaced previous RET guidance) – further update underway
- OSCP guideline published



Environmental Guidance Note Project



Workshop objective and format

- Objective is to obtain feedback on Guidance Note Project objectives and scope
- Format
 - Presentation of Guidance Note Project objectives and consultation
 - Break-out session and summary feedback
 - Presentation of the objectives of each guidance note
 - Break-out session and summary feedback



Environment plan guidance note project

- NOPSEMA recognise that additional guidance around the Environment Plan Regime is necessary
- Family of guidance notes will replace Interim Environment Plan Preparation Guidance Note
- NOPSEMA is developing other guidance outside of the EP Guidance Note Project



EP guidance note project - objectives

- Consistent with OPGGS(E) Regulations
- Consistent with objective based regime
 - Focus on ‘what needs to be demonstrated’ not ‘how to demonstrate’
- Provide clear guidance on NOPSEMA’s expectations for Environment Plan content
- Avoid regulatory creep



Goals

- Ensure operators have flexibility to improve, evolve, etc.
- Guidance will not be ‘prescription by stealth’
- Retain ability for operators to respond and develop EPs in a manner that is appropriate to the unique character of each activity
- Give operators the tools to satisfy NOPSEMA with demonstrated ‘reasonable grounds’ to accept EPs
- Consistency with Safety Case Guidance where sensible

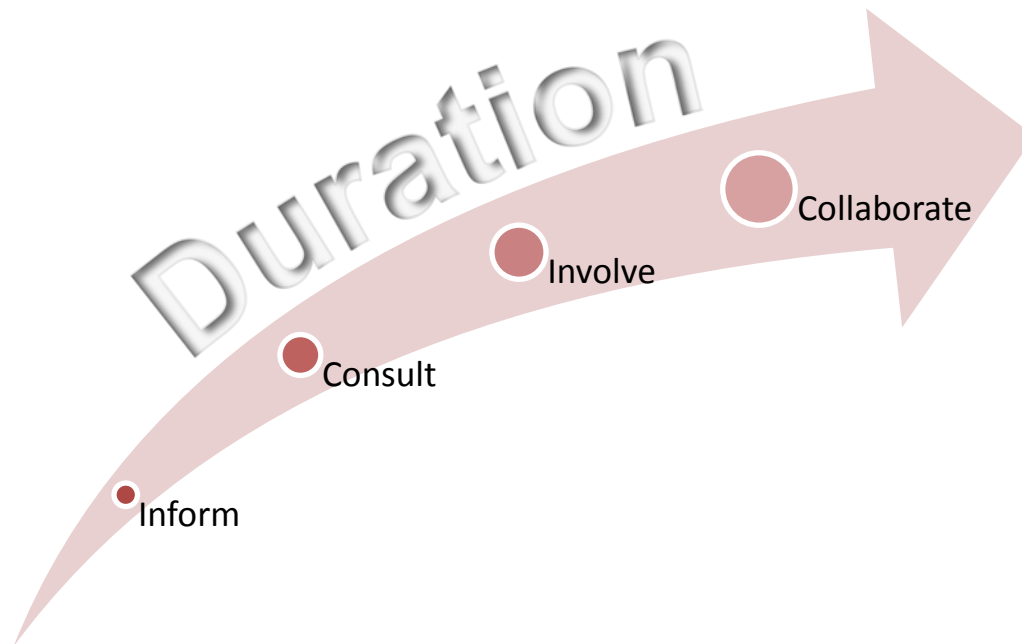


Environment plan guidance note 'jigsaw'



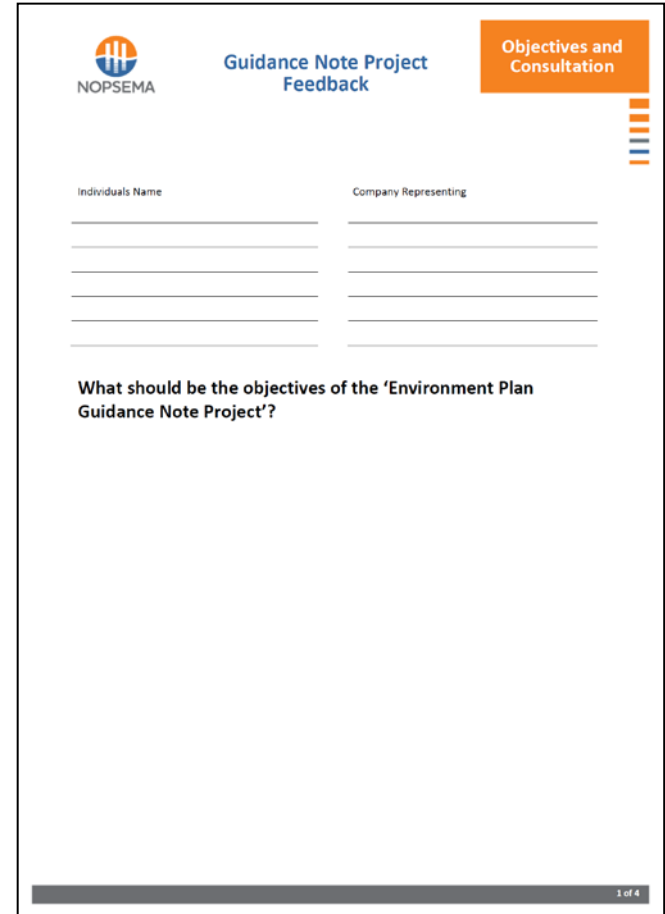
Consultation

- What level of consultation is appropriate?
- What is the trade off between timely delivery and level of consultation?
- Multiple stakeholders (not just operators)



Feedback

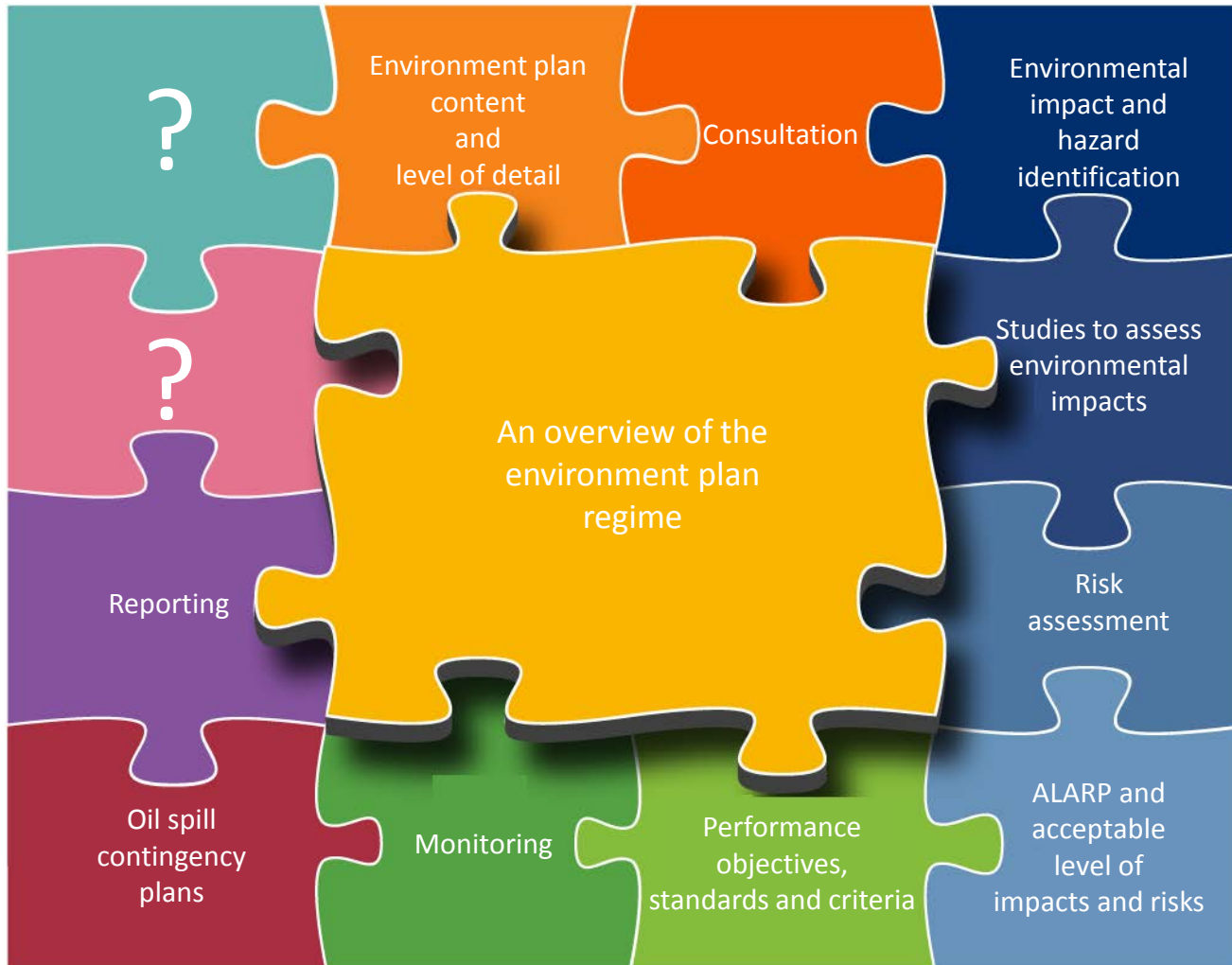
- Break into groups and discuss:
 1. What should be the objectives of the Guidance Note Project?
 2. How should NOPSEMA consult on the guidance notes?
- Summarise to workshop



The form is titled "Guidance Note Project Feedback" and includes the NOPSEMA logo. It features a header section with the text "Objectives and Consultation" in an orange box. Below the header, there are two columns of input fields: "Individuals Name" and "Company Representing". Each column has four horizontal lines for text entry. At the bottom of the form, there is a question: "What should be the objectives of the 'Environment Plan Guidance Note Project'?" and a large empty space for the response. The page number "1 of 4" is visible in the bottom right corner.



Environment plan guidance note 'jigsaw'



EP regime overview

Objective / In frame

- High level overview
- Legislative context (for EP Regime)
- Linkage to other legislation
- Key concepts of EP regime
- Scope & breadth of regime
- Roadmap to other guidance
- ‘Objective based regime’ description

Out of frame

- Detailed advice on content of EP
- Inspection and compliance
- Part 3 & 4 (i.e. incident reporting, records, concentration of PFW and test requirements)
- Appointment of operator
- Transitional arrangements
- NOPSEMA oil spill response (i.e. NOPSEMA role)



EP content and detail

Objective / In frame

- Focus on Division 2.3 [Reg 13, 14, 15 & 16]
- Outline required content
- Guidance on sufficient information to determine if 'reasonable grounds' to accept environment plan
- Incorporation of 'Implementation Strategy'
- Oil spill risk and impact considered as part of other risks
- Links to other guidance notes for specific detail

Out of frame

- Detailed explanation that other guidance notes cover



Consultation

Objective / In frame

- Guidance on Reg 11(1)(f), 11(8), 11A, 14(9), 15(2) & 16(b).
- Approach to define a *relevant person*
- Demonstration of consultation with a *relevant person*
- Demonstration of consultation with other government departments
- Consultation during incidents and emergencies
- Ongoing consultation
- Documenting consultation
- Demonstration of appropriate measures adopted because of consultation

Out of frame

- Detailed list of stakeholders (general or govt.)
- How consultation is managed
- Responsibilities of relevant persons in relation to consultation



Impact & hazard identification

Objective / In frame

- Guidance on Reg 11(1)(b)&(c) and 13(3)(a) [with reference to 8(1)]
- Impact & Hazard ID is core to an objective based regime
- Linkage back to activity description
- Includes both ongoing impacts and hazards
- Identify existing controls
- Structured and rigorous approach to hazard identification
- Demonstrating rigour of operators approach

Out of frame

- Risk assessment
- Detailed studies to (semi) quantify impact or consequences of a hazard



Studies to assess environmental impacts

Objective / In frame

- Guidance on Reg 11(1)(a)-(c), 13(2)-(3A)
- Guidance on where further quantification of impact or consequence may be expected
- Guidance on further assessment on impact and consequences, including:
 - Baseline
 - Discharge modelling
 - Spill modelling
 - Emissions modelling

Out of frame

- Risk assessment
- Monitoring (but linkage outlined)
- Oil spill response



Risk assessment

Objective / In frame

- Guidance on Reg 11(1)(b)&(c) and 13(3)(a) [with reference to 8(1)]
- Importance of risk assessment being justifiable and defensible
- Iterative nature
- Quantitative Vs qualitative
- Defensible nature of quantitative information (e.g. failure databases, oil spill modelling, etc)
– where justified
- Used to identify / developing / assessing controls

Out of frame

- ALARP and acceptability (but clear linkage)
- Hazard identification



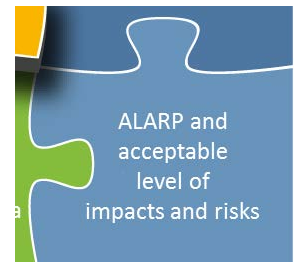
ALARP & acceptable impact/risks

Objective / In frame

- Guidance on Reg 11(1)(b)&(c), 14(2)&(3), [with reference to 8(1)]
- Acceptance test for EP
- Relationship to inherently safer environmental design (hierarchy of controls)
- ALARP approach (option assessment & other ALARP approaches)
- Guidance on acceptability (standards, precedents, regulations, community expectations, cumulative impacts)

Out of frame

- Risk assessment and hazard ID



Performance objectives, standards and criteria

Objective / In frame

- Guidance on Reg 11(d) and 13(4)
- Relationship to controls that makes performance ALARP/Acceptable
- Linkage: Performance Objective → Controls → Standards → Criteria
- S.M.A.R.T. (Specific, Measurable, Achievable, Relevant, Time based)
- Guidance on expectations for measurement criteria

Out of frame

- ALARP & acceptability
- Monitoring/compliance
- Reporting



Monitoring

Objective / In frame

- Guidance on Reg 11(e), 14(6)&(7) and 29(A)
- EP monitoring:
 - EP criteria and controls monitoring
 - Emission and discharge monitoring
- Ecological monitoring including*:
 - Environmental monitoring
 - Emergency response monitoring
- Routine emissions monitoring
- PFW monitoring requirements

Out of frame

- Baseline studies
- Reporting



* Ecological monitoring where supported by criteria



Oil spill contingency planning

Currently finalising
Oils Spill Contingency Planning (Rev 2)
guidance note for use
(incorporating feedback)



Reporting

Objective / In frame

- Guidance on Reg 15(1)
- Reporting linked to operators objectives, standards and criteria
- Expectations for reporting (link back to measurement criteria)
- Level of detail expected in reports (to be set out in EP)
- Incorporate ecological monitoring reporting*
- Incident reporting

Out of frame

- Monitoring

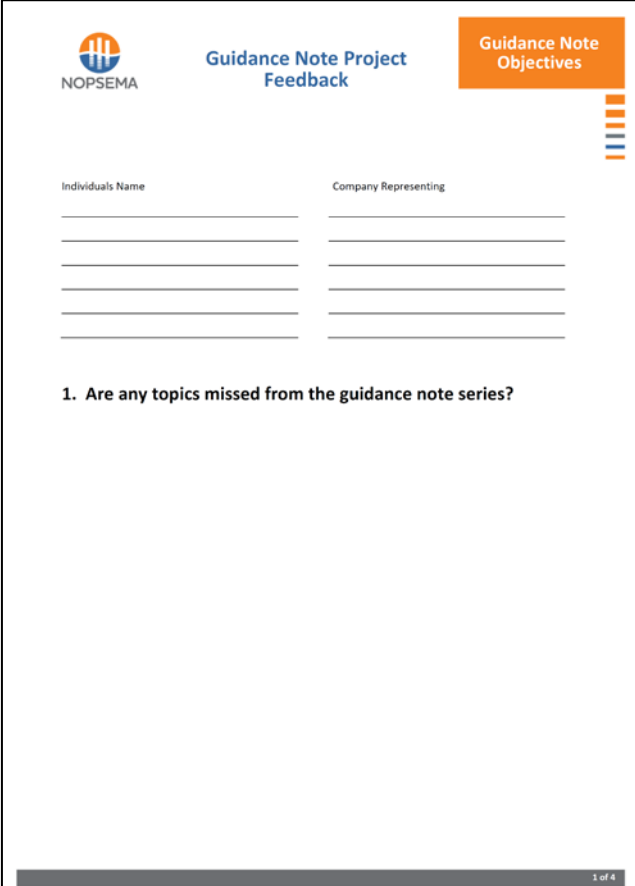


* Ecological monitoring where supported by measurement criteria



Feedback

- Break into groups and for each of your guidance notes discuss:
 1. Are any topics missed from the guidance note series?
 2. For identified guidance notes is there any additional items that you need in preparing EPs?
- Summarise to workshop



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Where to Next?

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Thankyou for your participation

