

# EHP Annual Compliance Plan

Mid-year report

January 2014

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EHP. 2014. EHP Annual Compliance Plan 2013-14 Mid-Year Report. Brisbane: Department of Environment and Heritage Protection Government.

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## Introduction

The Department of Environment and Heritage Protection (EHP) is committed to delivering strong environmental management supporting sustainable economic development. It delivers on this commitment by ensuring that Queenslanders comply with their legal obligations to use and manage the environment in a sustainable way and protect our heritage places.

To ensure the greatest risks to Queensland's environment and heritage are proactively addressed, the department develops an annual compliance plan. These plans inform the community of its compliance priorities for the financial year. Publishing an annual compliance plan affirms the department's commitment to transparency in the way that compliance activities are carried out.

The EHP Annual Compliance Plan 2013-14 was published on the department's website in October 2013 and is available at [www.ehp.qld.gov.au](http://www.ehp.qld.gov.au).

The areas for focus in the 2013-14 annual compliance plan are:

- the coal seam gas (CSG) to liquefied natural gas (LNG) industry
- heritage listed places
- movement of waste
- concentration of high impact industry
- conventional oil and gas activities
- commercial harvesting of macropods
- lethal permits and illegal take of flying-foxes
- domestic trade in protected wildlife as well as recreational wildlife permits and wildlife movements
- illegal trade in dugong and turtle meat
- contaminated land suitably qualified persons
- heavy industry in Gladstone
- air quality regulation and reporting
- waste acceptance practices for composting activities
- pre-wet season preparedness for mines, landfills and quarries
- environmental management of impacts of unlined landfills
- commercial whale watching in state waters
- very high and high risk environmentally relevant activities (ERAs).

The department has committed to addressing these risks through a range of activities including strategic projects, monitoring activities and capacity building projects.

Strategic projects target a particular business or community sector or area with a high potential to impact on the environment or the safety of the community. These projects focus on issues such as establishing baseline compliance performance, the effectiveness of current regulatory frameworks, strategies to improve compliance performance and identifying best practice. These projects drive improved regulatory systems and tools and compliance outcomes.

Monitoring activities involve continuous collection, monitoring and analysis of data and intelligence to identify instances of non-compliance. Non-compliances could trigger additional compliance activity such as site inspections and/or investigations. These projects drive compliance outcomes and remedial action.

Capacity building projects provide customers with training, resources and opportunities to increase skills and the capacity for meeting their regulated obligations. They also improve the way they operate so that they can move 'beyond compliance' to best-practice approaches to environmental and heritage management.

In addition to these proactive activities, the department responds to incidents reported by industry and complaints made by the public.

This report provides an update of the progress the department has made from July to December 2013 in achieving the targets for the 2013–14 Annual Compliance Plan.

## Program highlights

The department is currently on track to meet its commitments for all strategic, monitoring and capacity building compliance projects, with a number of key successes already achieved. In particular, there is improved understanding of the responsibility to achieve good environmental practice in the industry, which is evident in its overall performance in terms of environmental compliance.

### Heritage

A risk-based analysis of vulnerable and potentially 'at risk' heritage places has been undertaken and a number of inspections carried out. The department will continue to engage with owners to improve their awareness of statutory obligations and responsibilities in caring for and protecting heritage places from damage or deterioration.

### Waste

There has been an increase of over one-third of waste transport certificates on average received by the department, indicative of the rapid growth of the waste industry. Audits of waste tracking information provided to the department have identified a number of unlicensed waste handlers. The majority of unlicensed waste activity is related to the transportation of asbestos and lead acid batteries. However, these unlicensed operators were engaged in only a small number of transportations. Education and enforcement actions taken in relation to these handlers have subsequently resulted in handlers attaining the necessary environmental authorities to undertake regulated waste activities. Work to identify unlicensed transporters will continue, with a number of potentially unlicensed operators identified for further investigation. Proactive compliance activities in the movement of waste program has also resulted in significant improvements in the quality and accuracy of information provided to both the department and other handlers involved in the transportation and disposal of waste. These improvements will aid in reducing the risk of environmental from unregulated activities and poor waste acceptance practices

The regulated waste online tracking system project is progressing towards anticipated implementation by the end of June 2014. The system will improve the department's ability to track the movement of waste and identify and manage non-compliant activity. It will also provide industry with a more convenient method with which to meet their reporting obligations for trackable waste.

### Industrial estates

Analysis is currently being undertaken to identify high impact industrial estates throughout Queensland in close proximity to residential areas and major catchments. Once potential sites are identified targeted inspections, with a focus on emergency management and wet weather preparedness, will take place. The department is establishing agency partnerships to provide a joint agency approach to managing the potential risks associated with emergency incidents at industrial estates.

### Remote sensing

The department has commenced exploring the use of remote sensing technology to identify risks associated with industries located in remote and isolated locations. Use of this technology will enable the department to identify areas of risk and undertake more targeted inspections at these locations. In addition, the department is enhancing its enforcement capability through the use of forensic computer analysis which enables the department to capture greater evidence during investigations. A comprehensive risk assessment is being undertaken to identify suitable sites, undertaking conventional oil and gas activities, for targeted compliance activities using this technology.

### Macropods

Due to federal reporting requirements, the macropod compliance program operates over a calendar year. The commercial harvesting of macropods has achieved the compliance targets for viewing 1%, and conducting detailed inspections of 10% of the total harvest. The department has observed notable improvements in compliance with the lodging of monthly returns during 2013.

### Gladstone heavy industry

The proactive compliance program to monitor heavy industry clients is progressing with stormwater management, spillage and water management under scrutiny. Where non-compliances have been identified, Transitional Environmental Programs (TEP) have been approved and enforcement actions have been taken to transition proponents into compliance.

A joint agency project has commenced with EHP and the Department of Science, Information Technology, Innovation and the Arts (DSITIA) to inspect sites identified as very high risk in relation to air emissions. It aims to increase compliance with National Pollutant Index (NPI) air reporting and reduce the risks to the health of the environment and public. Currently, the program is on track to meet its commitments.

**Pre-wet season preparedness**

Inspections of mines, landfills and quarries for pre-wet season preparedness and stormwater management are almost complete. Departmental officers have noted that generally stormwater management practices have improved and there is an increased awareness, particularly in the mining industry, of environmental duty obligations and improvements in compliance with conditions of environmental authorities.

A more detailed analysis regarding the outcomes of the proactive annual compliance plan projects will be reported at the end of the financial year reporting period.

# Annual compliance program

The table below details the compliance projects, the department's commitment and the current status of each project.

Strategic compliance projects			
Activity	Project	Compliance strategy	Project status
Petroleum and gas	Coal seam gas (CSG) to liquefied natural gas (LNG) industry	<p>Conduct proactive site inspections and audits of CSG/LNG activities.</p> <p>Audits of CSG waste movement, hydraulic fracturing activities, baseline assessment plans, underground water impact reports, make good obligations, and CSG companies' management of accommodation camps and operation of sewage treatment plants.</p> <p>Undertake satellite remote sensing trial to monitor land change within CSG tenures.</p>	<p> <b>On track</b></p> <p>Please refer to CSG/LNG Annual Compliance Plan Mid-Year Report for additional information. This report is available at <a href="http://www.ehp.qld.gov.au">www.ehp.qld.gov.au</a>.</p>
	Conventional oil and gas	<p>Utilise remote sensing technology and known environmental issues to identify risk areas.</p>	<p> <b>On track</b></p> <p>Preliminary risk assessment of conventional sites being undertaken to identify targets.</p> <p>Work being completed to review and update current environmental authorities to ensure risks related to conventional activities are appropriately managed.</p> <p>Imagery acquired and proactive compliance strategy to be commenced in 2014.</p>
Heritage	Heritage places	<p>Undertake desktop audits and site inspections based on a risk-based analysis of heritage sites.</p>	<p> <b>On track</b></p> <p>34 inspections completed of heritage places identified as high risk.</p>
Waste	Movement of waste	<p>Review and redesign waste classification and codes.</p> <p>Educate customers on appropriate waste classifications through a targeted mail out and industry alert.</p> <p>Undertake targeted vehicle interceptions.</p> <p>Industry activity monitored to identify unlicensed waste activity.</p>	<p> <b>On track</b></p> <p>Review of waste classifications and codes currently being undertaken with new documents to be released in 2014.</p> <p>Industry consultation and education provided to handlers regarding appropriate waste classifications.</p> <p>Proactive compliance strategy to be implemented in 2014.</p> <p>21 unlicensed waste handlers identified and enforcement actions taken.</p>
Concentration of high impact industry	Industrial estates	<p>Inspections of sites in targeted industrial estates with focus on emergency management and wet weather preparedness.</p>	<p> <b>On track</b></p> <p>Proactive compliance strategy to be undertaken in 2014.</p> <p>To date 1 high risk site inspection has been completed.</p> <p>Agency partnerships established to provide joint agency approach to address emergency management.</p>

## Strategic compliance projects

Activity	Project	Compliance strategy	Project status
Macropod management	Commercial harvesting of macropods	Risk-based site inspections and compliance activities on commercial harvesting operations at dealer and processing sites.	<p> <b>On track</b></p> <p>1.7% of total harvest was viewed.</p> <p>Detailed inspections of 0.19% of total harvest have been completed.</p> <p>All but two high risk sites inspected in 2013.</p> <ul style="list-style-type: none"> <li>• All non-compliances have been investigated with 9 PINs and 48 warnings issued.</li> <li>• Increased compliance with lodging of monthly returns.</li> </ul>
Wildlife	Flying-foxes	Targeted compliance of lethal permit holders and investigation of illegal take of flying-foxes.	<p> <b>On track</b></p> <p>As at 23 January 2014, there are 12 permits for the lethal take of flying-foxes.</p> <ul style="list-style-type: none"> <li>• 10 permits have been issued in the Bundaberg Regional Council area</li> <li>• 1 permit has been issued in the Fraser Coast Regional Council area</li> <li>• 1 permit has been issued in the Southern Downs Regional Council area</li> <li>• 1 permit in the Townsville Regional Council area (permit expired on 10 January 2014)</li> <li>• 2 return of operations forms have been submitted</li> <li>• 2 illegal take of flying-foxes incidents were reported.</li> </ul> <p>The growing season traditionally does not finish until the end of April 2014. We plan to audit 50% of the permit holders before that time.</p> <p>Investigations of all new complaints received for alleged unlawful take of flying foxes will occur.</p>
	Domestic trade in protected wildlife	<p>Improvement in tracking of wildlife movements and intelligence analysis to identify illegal wildlife trade.</p> <p>Strong enforcement actions resulting from intelligence and investigative strategies monitoring and identifying illegal trade.</p>	<p> <b>On track</b></p> <p>Work has progressed through business analysis to assess viability to allow lodgement of wildlife movement advices online with a view to improving the department's compliance capability to prevent illegal activity.</p>
	Domestic trade in dugong and turtle meat	Compliance activities through targeted vehicle inspections, observations of suspect packages at airports, vessel patrols in Torres Strait and intelligence gathering.	<p> <b>On track</b></p> <p>EHP has been discussing cooperative dugong and marine turtle opportunities with the new Commonwealth Government.</p> <p>Compliance awareness training has been provided to Indigenous rangers in Hervey Bay, Sunshine Coast, North Stradbroke Island, Weipa and Aurukun, including establishing a process for providing offence related intelligence to EHP.</p>

## Strategic compliance projects

Activity	Project	Compliance strategy	Project status
			<p>Thirteen officers of the Queensland Boating and Fisheries Patrol were appointed as conservation officers following their completion of a training course in the <i>Nature Conservation Act 1992</i> to bolster overall response capacity for marine mammal and turtle related compliance activities and intelligence gathering.</p> <p>Appointment of a number of Water Police from the Gold Coast and Sunshine Coast is also pending with relevant training having been provided to these officers.</p>

Monitoring activities			
Activity	Project	Compliance strategy	Project status
Wildlife	Domestic trade in protected wildlife	Proactive monitoring of internet advertisements related to protected wildlife and engagement with website operators to place education alert style pop-ups on their sites.	 <b>On track</b> 6 proactive monitoring sessions undertaken of known websites monitoring internet activity related to protected wildlife. A number of non-compliances identified and referred for further investigation.
Heavy industry	Gladstone	Proactive compliance risk-based inspection program.	 <b>On track</b> 7 proactive inspections conducted at very high risk sites. Non-compliances identified managed through enforcement actions and Transitional Environmental Programs (TEP) to bring proponents back into compliance. A number of amendments to Environmental Authorities completed to reduce ambiguity and improve conditioning to appropriately manage environmental risks.
Air	Air quality regulation and reporting	Undertake joint-agency inspections with DSITIA targeting sites identified as very high risk.	 <b>On track</b> Risk assessment completed and very high risk sites identified. 3 site inspections conducted. A major non-compliance has been identified at one site and is currently being investigated. Remaining joint agency inspections continuing in early 2014.
ERA Maintenance	High/very high risk ERAs	Undertake risk assessments and inspect high and very high risk ERAs.	 <b>On track</b> 49% of high and very high risk ERA sites inspected. 144 inspections have been conducted.
Contaminated Land	Suitably qualified persons	Undertake desktop audit of suitably qualified persons.	 <b>On track</b> 30 applications involving a suitably qualified person (SQP) audited. Identified 5 SQPs not meeting requirements. Additional information sought by department determined requirements now met.

Capacity building projects			
Activity	Project	Compliance Strategy	Project Status
Composting	Waste acceptance practices	<p>Desktop audit of all environmental approvals for ERA 53 to determine what regulated wastes can be accepted including drilling muds and if ERA 55 or BUA is required.</p> <p>Update and publish a guideline on composting including waste acceptance criteria to educate operators as to best practice.</p> <p>Intelligence assessment on waste activities associated with drilling muds to determine nature and scope of non-compliance.</p>	<p> <b>On track</b></p> <p>Desktop audit of all environmental authorities for ERA 53 nearing completion.</p> <p>8 sites inspected with none identified as accepting drilling muds.</p> <p>Recognised entity report completed and will be utilised to provide best practice guide to operators.</p> <p>Intelligence assessment to be commenced February 2014.</p>
Mines, landfills, quarries	Water management	<p>Conduct pre-wet season preparedness inspections at very high risk mining, landfill and quarry sites</p> <p>Development and publishing guidelines for ERA storm water management</p>	<p> <b>On track</b></p> <p>93% of mines inspected for pre-wet season preparedness, 79 inspections conducted.</p> <p>96% of landfills and quarries inspected, 29 inspections conducted.</p> <p>In addition, 34 low to high risk sites inspected.</p> <p>Stormwater guideline in final stages, anticipated to be released in February 2014.</p>
Unlined landfills	Environmental management of impacts of unlined landfills	<p>Pilot program within specific local government areas incorporating desktop audits of unlined landfills generating leachate and subsequent environmental monitoring to determine associated adverse environmental impacts on adjacent sensitive receivers.</p>	<p> <b>On track</b></p> <p>Risk assessments completed and local government areas selected for program.</p> <p>3 targeted inspections of high risk sites conducted.</p> <p>Desktop audits continuing in 2014 with inspections to be conducted as required.</p>
Wildlife management	Commercial whale watching in State waters	<p>Education of operators and the community of their obligations and compliance activities undertaken to identify any legislative breaches</p>	<p> <b>On track</b></p> <p>Commercial whale watching in State waters were activities carried out under the Share the Waterways Program.</p> <p>2 training and information sessions with Water Police, Qld Boating and Fishing Patrol (QBFB) and DAFF at the Sunshine Coast and the Gold Coast.</p> <p>9 commercial whale inspections were undertaken.</p> <p>15 commercial whale 'other activities' were undertaken.</p> <p>3 field educational and intelligence gathering trips with the Water Police.</p> <p>3 patrols, two with the Mooloolaba Water Police and one boat ramp patrol.</p>