

Policy

This Policy outlines the EPA's role and responsibilities for managing responses to pollution events.

Purpose

The purpose of this Policy is to set out to the community, major stakeholders and emergency management partners the parameters and principles that guide the EPA in its responses to pollution incidents, including marine pollution incidents, primarily under the *Environmental Management and Pollution Control Act 1994* (EMPCA) and the *Marine-related Incidents (MARPOL Implementation) Act 2020*.

Our Commitment

The EPA is committed to working with the Tasmanian community to ensure that we are able to deal effectively and efficiently with pollution issues and events. This includes encouraging a sense of environmental citizenship in the Tasmanian community, particularly for those events which require significant external collaboration with partners and stakeholders.

Principles

The principles that guide the EPA's response to pollution events are:

- **Proportional:** Our response is professional with efficient and effective use of resources to achieve the best possible outcomes, in proportion to the magnitude of the event.
- **Consistent:** Similar events in similar environments result in a similar response from the EPA.
- **Transparent:** Our process of assessment and response to pollution events is transparent to business, industry and the wider community.
- **Targeted:** Our resources are prioritised towards pollution events that pose the highest risks to the environment and to public health.
- **Scaleable:** Our response is commensurate with the task at hand, incorporating flexibility to adapt to circumstances as they evolve, and with the ability to expand response size and expertise via our partnerships and formal agreements.
- **Timely:** Our action is responsive to the situation in both timing and extent.
- **Jurisdiction:** Pollution response in Tasmania is managed by relevant authorities. When a pollution notification to the EPA is not within the EPA's jurisdiction, it is redirected to the relevant authority.

Assessment Process

Pollution events are assessed to determine the risk to the environment and human health or safety. The assessment considers the circumstances of the event, including the nature and quantity of pollutant and sensitivity of the receiving environment. Prior history or allegations of pollution incidents from that same source also assist in forming the basis upon which an appropriate response is determined.

Two key factors are considered to determine the EPA's response when a pollution event is reported, using a risk-based approach:

- I. The harm or potential harm to the environment, public health and/or community amenity, through the following criteria:
 - a. Whether environmental harm been caused, or is likely to be caused;
 - b. The extent of any impacts or likely impacts on human health or safety;

- c. Whether the well-being or amenity of the community is affected or likely to be affected.
- 2. The ability of the EPA to detect the source and influence the outcome, through actions to mitigate and prevent any further harm, through the following criteria:
 - d. Location of the alleged pollution event – site accessibility; ability to contain the pollution and how stable the pollutant is;
 - e. Level of detail in the initial pollution report and ability to verify the details and anyone who observed the pollution; and
 - f. Timeliness of reports received, while the pollution event is occurring or shortly after, to formulate a timely and effective response.

Response Processes

The level of response varies according to the assessment of the pollution event.

Level of Response	Description
Urgent / High Risk	Immediate. EPA uses all resources necessary to respond immediately.
Moderate Risk	Response planned within 24 hours A field inspection is prioritised based on Officer availability, whether there are other scheduled activities at the time and whether there are any partnership arrangements with co-regulators.
Low Risk	Desktop investigation and appropriate actions based on information and subsequent risk assessment. Investigation and review may include: <ul style="list-style-type: none"> • Reviewing past records, • Contacting the notifier for additional information, • Notifying the alleged source a pollution event has been reported, • Working with the notifier to document information about the source (eg. duration of noise or odour). The response may be escalated based on the information received through these activities.
Outside EPA Jurisdiction	Referral. The report will be referred to co-regulators (eg. local Council) or portfolio organisations (eg. TasPorts, TasWater, Parks and Wildlife etc).
Insufficient or Stale Information	No action. The report is logged but no further investigation is carried out. All reports are logged onto the EPA system to assist with any future assessment of the same or a similar issue.

The phases that lead to finalising a response are:

- protection of environment, public health and amenity;
- often followed by a period of recovery or remediation;
- reporting and record-keeping;
- review of potential breaches of EMPCA or the *Marine-related Incidents (MARPOL Implementation) Act 2020*;
- compliance actions including fines or legal proceedings, as appropriate.

Governance

The EPA's Emergency Management Group (EMG) coordinates the EPA's pollution emergency management activities, including for marine pollution events. The EMG oversees responses conducted by the EPA and provides guidance on allocation of resources to assess and respond to incidents.

EPA's Pollution Incidents Hotline

To notify the Director, EPA of a pollution incident or to lodge a complaint, call the Pollution Incidents and Complaints Hotline number:

1800 005 171

This number is available 24 hours a day, 7 days a week.

Incomplete Reports

If the EPA receives pollution reports with insufficient information, an Incident Response Officer will attempt to contact the notifier for additional information. If a report is unable to be progressed because without any further information from the notifier that is not possible, or the report is received too long after the pollution incident, then no further action can be taken.

Reports Outside our Authority

The shared responsibility for environmental regulation and management in Tasmania means the EPA receives a number of notifications outside our regulatory jurisdiction. The EPA will refer a reporter to the appropriate authority if we do not have the legislative power to deal with the pollution issue. For example, pollution incidents occurring in private residences or in residential areas, such as noise or backyard burning, will be referred to the local Council. Pollution matters which may be the jurisdiction of more than one organisation, with shared responsibilities, are managed under partnerships and agreements with colleague organisations, such as a Memorandum of Understanding.

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