



ENVIRONMENT PROTECTION NOTICE No. 9983/2

Issued under the *Environmental Management and Pollution Control Act 1994*

Issued to: **DIAMOND OFFSHORE GENERAL COMPANY**
ACN 050 122 051
U2, 5 TURNER AVENUE
BENTLEY WA 6102

Environmentally Relevant Activity: **The temporary mooring of the Ocean Monarch mobile offshore drilling unit and associated care and maintenance works (ACTIVITY TYPE: EPN only)**
RALPHS BAY, DERWENT RIVER TAS 7019

GROUND

I, Wes Ford, Director, Environment Protection Authority, being satisfied in accordance with section 44(1)(a) and (e) of the *Environmental Management and Pollution Control Act 1994* (EMPCA) that in relation to the above-mentioned environmentally relevant activity that:-

serious or material environmental harm or environmental nuisance is being, or is likely to be, caused; and

it is necessary to secure compliance with the general environmental duty,

hereby issue this environment protection notice to the above-mentioned person as the person responsible for the activity.

PARTICULARS

The particulars of the grounds upon which this notice is issued are:

- 1 Diamond Offshore General Company (ACN 050122051) own and operate the Ocean Monarch mobile offshore drilling unit (the MODU).
- 2 The MODU will be temporarily moored on the Derwent River near the entrance to Ralph's Bay in the vicinity of 42° 57.016'S, 147° 24.404'E while it is between drilling contracts in Bass Strait.
- 3 To correct errors and omissions in EPN No.9983/1.
- 4 To update the coordinates of the location of the temporary mooring.
- 5 Reasonable and practicable conditions are required to prevent or minimise environmental harm to the receiving environment, namely the Derwent River and residents of Tarooma, Opossum Bay, Trammere and Sandford.
- 6 The MODU will remain operational in care and maintenance whilst moored.
- 7 The MODU's systems will be maintained by a working crew of approximately 60 people. The crew will live on board the MODU during the mooring period.

- 8** The crew will generate sewage and produce waste associated with the daily living of people on the MODU, including but not limited to food wastes, plastics, glass and metal containers.
- 9** The MODU will undergo care and maintenance work during the mooring period. Care and maintenance will include the use of cranes and diesel generators that will emit noise.
- 10** Floodlighting may be required at night.
- 11** Noise sensitive premises will be approximately 3 to 4 km from the mooring location.
- 12** Other pollutants including oil, oily mixtures, paints and cleaning products associated with the activity will be stored and/or handled on the MODU.
- 13** Pollutants associated with the activity are likely to cause environmental harm unless appropriately managed.

DEFINITIONS

Unless the contrary appears, words and expressions used in this Notice have the meaning given to them in Schedule 1 of this Notice and in the EMPCA. If there is any inconsistency between a definition in the EMPCA and a definition in this Notice, the EMPCA prevails to the extent of the inconsistency.

REQUIREMENTS

The person responsible for the activity must comply with the conditions as set out in Schedule 2 of this Notice.

INFORMATION

Attention is drawn to **Schedule 3**, which contains important additional information.

PENALTIES

If a person bound by an environment protection notice contravenes a requirement of the notice, that person is guilty of an offence and is liable on summary conviction to a penalty not exceeding 1000 penalty units in the case of a body corporate or 500 penalty units in any other case (at the time of issuance of this Notice one penalty unit is equal to \$163.00).

NOTICE TAKES EFFECT

This notice takes effect on the date on which it is served upon you.

APPEAL RIGHTS

You may appeal to the Appeal Tribunal against this notice, or against any requirement contained in the notice, within 14 days from the date on which the notice is served, by writing to:

The Chairperson
Resource Management and Planning Appeal Tribunal
GPO Box 2036
Hobart TAS 7001

Signed:



DIRECTOR, ENVIRONMENT PROTECTION AUTHORITY

Date:

17th December 2018

Table Of Contents

Schedule 1: Definitions..... 5

Schedule 2: Conditions.....6

 General.....6

 G1 Environmental Management Plan.....6

 G2 Temporary mooring6

 G3 Incident response.....7

 G4 Access to and awareness of conditions and associated documents..... 7

 Noise Control.....7

 N1 Noise emission limits.....7

Schedule 3: Information..... 8

 Legal Obligations.....8

 LO1 Discharge of sewage into State waters 8

 LO2 Disposal of garbage into State waters8

 LO3 Pollution by oil into State waters8

 LO4 Biosecurity obligations..... 8

 Other Information..... 8

 OI1 Notification of incidents under section 32 of EMPCA8

 OI2 Notification of incidents under section 25I PWONSA8

Schedule 1: Definitions

Activity means any environmentally relevant activity (as defined in Section 3 of EMPCA) to which this document relates, and includes more than one such activity.

Director means the Director, Environment Protection Authority holding office under Section 18 of EMPCA and includes a person authorised in writing by the Director to exercise a power or function on the Director's behalf.

environment has the meanings ascribed to it in Section 3 of EMPCA.

Environmental Harm and **Material Environmental Harm** and **Serious Environmental Harm** each have the meanings ascribed to them in Section 5 of EMPCA.

Environmental Nuisance and **Pollutant** each have the meanings ascribed to them in Section 3 of EMPCA.

MAST means Marine and Safety Tasmania.

Minister means the Minister responsible for the administration of the *Living Marine Resources Management Act 1995*.

MODU means the Ocean Monarch mobile offshore drilling unit owned by Diamond Offshore General Company (ACN 050122051).

Noise Sensitive Premises means residences and residential zones (whether occupied or not), schools, hospitals, caravan parks and similar land uses involving the presence of individual people for extended periods, except in the course of their employment or for recreation.

Person Responsible is any person who is or was responsible for the environmentally relevant activity to which this document relates and includes the officers, employees, contractors, joint venture partners and agents of that person, and includes a body corporate.

PWONSA means Pollution of Waters by Oil and Noxious Substances Act 1987.

Tas Ports means Tasmanian Ports Corporation Pty Ltd.

Tasmanian Noise Measurement Procedures Manual means the document titled *Noise Measurement Procedures Manual*, by the Department of Environment, Parks, Heritage and the Arts, dated July 2008, and any amendment to or substitution of this document.

Schedule 2: Conditions

General

G1 Environmental Management Plan

- 1 Prior to the anchorage of the MODU in the Derwent River, or by a date otherwise specified in writing by the Director, a management plan must be submitted to the Director for approval. This requirement will be deemed to be satisfied only when the Director indicates in writing that the submitted document adequately addresses the requirements of this condition to his or her satisfaction.
- 2 Without limitation, the plan must include details of the following:
 - 2.1 use of floodlighting associated with the activity;
 - 2.2 identification of any persons that are likely to experience environmental nuisance as the result of the use of flood lighting associated with the activity;
 - 2.3 measures that will be implemented to prevent any likely environmental nuisance to a person as a result of the use of flood lighting associated with the activity;
 - 2.4 identification of waste types that will be generated or otherwise associated with the activity;
 - 2.5 a plan for the disposal of all waste types generated or otherwise associated with the activity;
 - 2.6 identification of possible pollutants other than noise, light and waste (including, but not limited to oil or oily mixtures and cleaning chemicals) associated with the activity that are likely to cause environmental harm if released into the environment;
 - 2.7 measures that will be implemented to prevent any release of pollutants other than noise, light and waste (including, but not limited to oil or oily mixtures and cleaning chemicals) associated with the activity that are likely to cause environmental harm if released into the environment;
 - 2.8 measures that will be employed in the event of an accidental discharge of possible pollutants other than noise, light and waste (including, but not limited to oil or oily mixtures and cleaning chemicals) associated with the activity that may cause environmental harm if released into the environment;
 - 2.9 identification of any marine pest that may be brought into the area where the MODU will be anchored; and
 - 2.10 measures that will be implemented to prevent any marine pest being brought into the area where the MODU will be anchored and released from the MODU into the environment.
- 3 The person responsible must implement and act in accordance with the approved plan.
- 4 In the event that the Director, by notice in writing to the person responsible, either approves a minor variation to the approved plan or approves a new plan in substitution for the plan originally approved, the person responsible must implement and act in accordance with the varied plan or the new plan, as the case may be.

G2 Temporary mooring

- 1 Unless otherwise approved by the Director and subject to any direction of MAST or Tas Ports, the MODU is to be moored in the vicinity of 42° 57.016'S, 147° 24.404'E
 - 1.1 For the purposes of G2(1) 'vicinity' allows for a departure from the coordinates considering factors including shelter, depth of water, safety considerations and environmental considerations.

- 2 Unless otherwise approved by the Director and subject to any direction of MAST or Tas Ports, the MODU can only be moored until 31 January 2019.

G3 Incident response

If an incident causing or threatening environmental nuisance, serious environmental harm or material environmental harm from pollution occurs in the course of the activity, then the person responsible for the activity must immediately take all reasonable and practicable action to minimise any adverse environmental effects from the incident.

G4 Access to and awareness of conditions and associated documents

A copy of these conditions and any associated documents referred to in these conditions must be held in a location that is known to and accessible to the person responsible for the activity. The person responsible for the activity must ensure that all persons who are responsible for undertaking work on the MODU, including contractors and sub-contractors, are familiar with these conditions to the extent relevant to their work.

Noise Control**N1 Noise emission limits**

- 1 Unless otherwise approved by the Director, noise emissions from the activity when measured at any noise sensitive premises in other ownership and expressed as the equivalent continuous A-weighted sound pressure level must not exceed:
 - 1.1 45 dB(A) between 0600 hours and 1800 hours (Day time); and
 - 1.2 40 dB(A) between 1800 hours and 2200 hours (Evening time); and
 - 1.3 35 dB(A) between 2200 hours and 0600 hours (Night time).
- 2 Where the combined level of noise from the activity and the normal ambient noise exceeds the noise levels stated above, this condition will not be considered to be breached unless the noise emissions from the activity are audible and exceed the ambient noise levels by at least 5 dB(A).
- 3 The time interval over which noise levels are averaged must be 10 minutes or an alternative time interval specified in writing by the Director.
- 4 Measured noise levels must be adjusted for tonality, impulsiveness, modulation and low frequency in accordance with the Tasmanian Noise Measurement Procedures Manual.
- 5 All methods of measurement must be in accordance with the Tasmanian Noise Measurement Procedures Manual.

Schedule 3: Information

Legal Obligations

LO1 Discharge of sewage into State waters

the provisions of Part II, Division 2AB of the PWONSA apply where relevant. Note that the MODU's sewage system and any sewage discharged from the MODU must comply with Marine Order, Number 96 in force under sections 33(1)(a), 33(1)(c) and 34(1) of the *Protection of the Sea (Prevention of Pollution from Ships) Act 1983* of the Commonwealth.

LO2 Disposal of garbage into State waters

the provisions of Part II, Division 2B of the PWONSA apply where relevant.

LO3 Pollution by oil into State waters

the provisions of Part II, Division 1 of the PWONSA apply where relevant.

LO4 Biosecurity obligations

A person responsible for the activity must comply with any direction of the Minister made under Part 10, Division 1 *Living Marine Resources Management Act 1995*.

Other Information

OI1 Notification of incidents under section 32 of EMPCA

Where a person is required by section 32 of EMPCA to notify the Director of the release of a pollutant, the Director can be notified by telephoning **1800 005 171** (a 24-hour emergency telephone number).

OI2 Notification of incidents under section 25I PWONSA

Where a person is required by Part II Division 3, section 25I PWONSA to notify the Deputy Secretary of the Department of Primary Industries, Parks, Water and Environment of a discharge or probable discharge of oil or an oily mixture or the disposal or probable disposal of garbage from the MODU into State waters, the Deputy Secretary can be notified by telephoning 1800 005 171 (a 24-hour emergency telephone number).