

Mineral Resources Division

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# Environmental Incident Reporting Requirements

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ESB28  
22 October 2007



NSW DEPARTMENT OF  
**PRIMARY INDUSTRIES**

## Document control register

This document replaces the following:

- N/A

| No. | Date        | Version | Approved by                            | Signature   |
|-----|-------------|---------|--|---|
| 1   | 22 Oct 2007 | 1.0     | Director, Environmental Sustainability |  |

Published by:  
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# 1 Introduction

Recent titles granted under the *Mining Act 1992* and *Petroleum (Onshore) Act 1991* include an environmental incident reporting condition. This condition requires the titleholder to “report any incidents causing or threatening material harm to the environment”.

These Departmental guidelines set out the requirements for reporting of environmental incidents.

## 2 Definitions

### ***environment***

Includes all aspects of the surroundings of humans, whether affecting any human as an individual or in his or her social groupings.

### ***incident***

A set of circumstances during, or as a consequence of which, there is or is likely to be a cause or threat material harm to the environment.

### ***loss***

Includes the reasonable costs and expenses that would be incurred in taking all reasonable and practicable measures to prevent, mitigate or make good harm to the environment.

### ***material harm***

Harm to the environment is material if:

- (i) it involves actual or potential harm to the health or safety of human beings or to ecosystems that is not trivial, or
- (ii) it results in actual or potential loss or property damage of an amount, or amounts in aggregate, exceeding \$10,000.

## 3 Reporting requirements

### 3.1 What type of incidents need to be reported?

An environmental incident report is required when an incident causes or threatens material harm to the environment.

### 3.2 Who is required to report?

The titleholder, or a person on behalf of a titleholder.

### 3.3 Reporting timeframe

A verbal report must be made to the Department within 24 hours after the titleholder or person becomes aware of the incident.

A written incident report must be provided to the Department as soon as practicable, but no later than 7 days after the incident (unless the titleholder is otherwise advised by the Department).

Additional information may be required at the discretion of the Department.

### 3.4 Content of reports

Written environmental incident reports must include the following information:

- the time, date, location, nature, and duration of the incident,
- the location of the place where environmental harm has, or is likely to occur,
- the potential and/or observed impacts of the incident,
- the circumstances in which the incident occurred (including the cause of the incident, if known),
- the action taken or proposed to be taken to deal with the incident and any resulting environmental harm.
- any actions that have, or will be, taken to prevent similar incidents from occurring in the future.

Additional information (such as photos, monitoring data, plans etc.) should be included in the report if relevant.

### 3.5 Submission of reports

Incident reports should be addressed to the relevant Departmental Regional Environment Officer. Contact details can be found at [www.dpi.nsw.gov.au/minerals/environment/contacts](http://www.dpi.nsw.gov.au/minerals/environment/contacts).

Note that the reporting of environmental incidents to the Department does not remove any obligations of the titleholder to report the incident to other stakeholders (such as the Environment Protection Authority, Mine Safety or WorkCover).

## 4 Emergency response

If an incident occurs, all necessary action must be taken to limit any adverse effects of the incident. If you need urgent advice on cleaning up pollution incidents or on the disposal of any resulting waste materials, contact the Environment Protection Authority's Pollution Line on 131 555.