



KEMPSEY
Shire Council

DIRECTOR SHIRE SERVICES REPORT

10th July 2007

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ENVIRONMENTAL COMPLIANCE

FILE: LA6219 CC: 42 APV {Folio No. *}

SUMMARY:

Reporting on proposed procedures for environmental regulatory compliance.

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DESCRIPTION:

Council will recall a report in February 2006 that identified issues regarding the operation of the Kempsey Waste Receiving and Disposal Facility (KWR&DF) on the Crescent Head Road. An audit highlighted a number of areas as having potential risks associated with waste storage and site management practices. It identified areas where Council was not complying with the conditions of the Department of Environment and Climate Change (DECC) licence or with the Landfill Environmental Management Plan (LEMP).

In March 2006, a report was presented to Council on investigations concerning the fire incident in August 2005 at the KWR&DF. That report identified a number of management deficiencies that existed at that time and made a number of recommendations which were adopted by Council. One of the recommendations was that Council transfer the responsibility for environmental regulatory compliance matters from the Department of Shire Services to the Department of Sustainable Development Services including the appropriate resourcing being made available.

There was concern whereby the responsibility for the compliance for the facility rested with the operators and it was felt that a separation between the operational and regulatory compliance functions should occur by transferring the regulatory compliance to a separate department.

Since that time, significant improvements have been made to the operation and management of the KWR&DF to ensure that the environmental and occupational health and safety issues were addressed. As part of that improvement process, a close working arrangement has been established with staff from DECC. Staff from DECC have commented favourably to Council on the improvements achieved in the operation and management of the KWR&DF.

As part of those improvements, a detailed assessment was undertaken of Council's obligations to comply with the DECC licence and the LEMP for

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the landfill and transfer stations. These requirements include water sampling after rain events; groundwater surface water and gas monitoring; site surveys; internal audits; quarterly returns; annual return. A schedule was then compiled which shows the tasks required to meet the licence conditions, when the tasks are to be undertaken and the person(s) responsible for each of these tasks.

Macleay Water is required to undertake a routine of sampling and testing at the various sewerage treatment works to ensure compliance with licence conditions of DECC. Macleay Water is also required to meet environmental licence conditions relating to quantities of groundwater and surface water extraction. A number of improvements to the procedures have been undertaken in the last 12 months to ensure better compliance with the regulatory requirements. One outcome of the restructure of Macleay Water was to ensure that staff involved in the operation of the Sewerage Treatment Plants and the Water Treatment Plants were able to specifically focus on the operation and statutory compliance of the treatment plants.

As for the landfill and transfer stations, a schedule has been set up for Macleay Water detailing the tasks required to be undertaken to meet licence conditions, when the tasks are to be performed and the person(s) responsible for each of these tasks.

As part of this system it is proposed that the relevant coordinator will report on a monthly basis to their manager (and then to the Director) as to whether all scheduled environmental compliance testing had been undertaken for that month and would identify if there were any issues of non-compliance.

In both areas of operation, staff undertaking the sampling and testing have developed an ownership and responsibility for their operations. They are also then directly involved in the monitoring of the results and in seeking to achieve improvements where necessary. The operational staff in both areas have developed a working rapport with the DECC staff which has enabled direct contact and discussions between those responsible for the operations and the licensing body. This has resulted in a better understanding of the requirements and constraints of both parties and has ensured better environmental compliance to the conditions of the licence and management plan.

The transfer of responsibilities for environmental regulatory compliance matters to another department would:

- unnecessarily introduce another party into the process (Council already has an obligation to report to DECC on licence conditions);
- inhibit the direct rapport between the operational staff and the licensing staff (DECC);
- split the responsibility for compliance between the operational staff and monitoring staff. A whole of function responsibility by the section is preferred.

The development of the systems described above has been undertaken in consultation with the Sustainable Development Services Department.

REPORT IMPLICATIONS:

- *Environmental*

The recommendation will result in a systematic approach and a whole of function responsibility for environmental compliance by operational staff which will lead to informed outcomes for the environment.

- *Social*

Nil

- *Economic (Financial)*

Nil

- *Policy or Statutory*

Council has a statutory obligation to ensure the conditions relating to environmental compliance of the various licences by DECC and of Environmental Management Plans are met.

RECOMMENDATION:

That the responsibility for environmental regulatory compliance remain with the Department undertaking the particular activity.

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A P Vermeulen
DIRECTOR SHIRE SERVICES