



Government of Western Australia  
Department of Mines and Petroleum



*Guideline for the Development of  
an Onshore Oil Spill Contingency Plan  
Response to Comments*

July 2016

## Introduction

Environmental regulation of onshore petroleum and geothermal activities in Western Australia (WA) is administered by the Department of Mines and Petroleum (DMP). DMP's Environment Division regulates the WA onshore petroleum and geothermal industry under the following legislation:

- *Petroleum and Geothermal Energy Resources Act 1967*
- Petroleum and Geothermal Energy Resources (Environment) Regulations 2012
- *Petroleum Pipelines Act 1969*
- Petroleum Pipelines (Environment) Regulations 2012.

The aforementioned regulations (the Regulations) outline the requirements for an Environment Plan (EP) to be submitted and approved by DMP prior to the commencement of any petroleum or geothermal activity.

The Regulations also require an Oil Spill Contingency Plan (OSCP) to be included in the implementation strategy component of an EP.

The Regulations require an OSCP to set out details of the following:

- preparations to be made for the possibility of an oil spill
- emergency response arrangements to be implemented if an oil spill occurs
- recovery arrangements to be implemented if an oil spill occurs
- current oil spill trajectory modelling that applies to the activity.

The Regulations also require the operator to conduct tests of the emergency response arrangements set out in the OSCP at specified intervals and to describe these tests.

The *Guideline for the Development of an Onshore Oil Spill Contingency Plan* (the Guidelines) has been established to provide operators with assistance in developing an onshore OSCP that satisfies the requirements of the Regulations and the expectations of DMP. It should be noted that OSCP's are commonly referred to as Spill Response Plans and should therefore cover all potential spill scenarios (including spills involving chemicals and other hazardous materials).

The Guidelines support the initiative of the Reforming Environmental Regulation (RER) program. The objective of the RER program is to implement the principles of best practice regulation of the resources sector to ensure environmental integrity is maintained.

## Stakeholder Comments

On 6 January, 2016 the draft Guidelines were released for an eight-week public feedback period with submissions closing on 4 March, 2016.

Stakeholders were informed that feedback on the draft Guidelines would be made publicly available on the DMP website. Where requested, personal details or company names attributed to the feedback received has been made confidential. For those stakeholders providing confidential feedback (one respondent), this is represented as an “In Confidence” entry in Table 1 below.

During the public feedback period, submissions were received from the following stakeholders:

- Samantha Jarvis from Santos Limited
- Leif Cooper from ChemCentre
- One confidential stakeholder.

A total of 32 comments/questions on the Guidelines were received from three stakeholders during the eight-week public feedback period. DMP responses to the comments/questions received are provided in Table 1 below. Overall, stakeholders were supportive of the Guidelines.

The key themes of the feedback received were:

- queries regarding repetition and duplication of information required in OSCP and other approval documents such as EPs
- the requirement to submit a revised OSCP and the submission timeframes to satisfy this requirement
- the requirement to conduct tests of the emergency response arrangements outlined in the OSCP and queries regarding multiple assets
- oil spill trajectory modelling and the level of information required to satisfy regulatory requirements
- remediation and monitoring activities following a spill incident.

Stakeholder comments and DMP responses have been grouped according to the relevant sections of the Guidelines. All stakeholder comments are presented in their submitted form and no text has been edited.

DMP would like to take the opportunity to thank stakeholders for their considered feedback on the draft Guidelines and for providing valuable input into the process.

**Table 1: Guideline for the Development of an Onshore Oil Spill Contingency Plan – Responses to Comments**

COMMENT NUMBER	REFERENCE	STAKEHOLDER	COMMENT	RESPONSE/ACTION
<b>GENERAL COMMENTS</b>				
1	General	Samantha Jarvis Santos Ltd	Santo supports the development of guidelines to clarify the Department’s requirements for an Onshore OSCP. This guideline will make a good reference document and clarifies the Department’s expectations.	DMP acknowledges the comment and thanks Santos Ltd for their support. Please note no changes have been made to the Guidelines.
2	General	In Confidence	The guideline should outline the pathway/ concession/DMP standpoint on the requirement for an OSCP for assets/activities which can show zero spill risk (i.e. no Hazardous Substances are used in any activities; none are stored on site; or such small quantities are used that a full OSCP is unjustifiable and/or impractical).	Regulation 15 requires that the implementation strategy of an EP include an OSCP. DMP acknowledges that potential spill risks and associated impacts are largely dependent on the nature and scale of the petroleum and/or geothermal activity proposed. An OSCP should therefore be developed relative to the nature and scale of the activity with all potential spill scenarios being evaluated to the worst case credible volumes and impacts.  Section 5 (OSCP Structure and Content) of the Guidelines states: “Depending on the nature and scale of the activity, some of the following sections may not be applicable or may require varying levels of information in order to meet the requirements of the Regulations.”  It should be noted that OSCP’s are commonly referred to as Spill Response Plans and should therefore cover all potential spill scenarios (including spills of chemicals and other hazardous materials).  Please note no changes have been made to the Guidelines.
3	General	In Confidence	Discussion around repeating all information in OSCP is already sufficiently covered elsewhere in business documentation and systems – are references sufficient?	References to business processes, systems and management documents (e.g. Emergency Response Plans) may be incorporated in the OSCP. The OSCP must however include adequate information to enable DMP to undertake an assessment of the proposed oil spill prevention, preparation, response and recovery arrangements. The information required to be included in the OSCP is outlined in the Guidelines.  Please note no changes have been made to the Guidelines.

COMMENT NUMBER	REFERENCE	STAKEHOLDER	COMMENT	RESPONSE/ACTION
4	General	Leif Cooper – ChemCentre	<p>Baseline monitoring is not explicitly mentioned in the report, although it is implied at several points (e.g. section 5.4, p.7 “It is important to understand the environment...”; or section 5.4.2, p.8 “... a comprehensive understanding of the environment ... must be demonstrated”).</p> <p>It is recommended that companies are encouraged to undertake an appropriate level of baseline monitoring of the environment before commencing operations. This work will provide information regarding the current state of the environment and will assist in identifying particular environmental sensitivities. In an oil spill context, this baseline data also establishes the response and recovery goals, and can better inform priorities in a clean-up operation. It also helps “determining the factors for ceasing monitoring and remediation” as required in section 5.5.6.</p> <p>It is probable that this work better sits in the environment plan as a whole, rather than just in the OSCP component. It is still worth mentioning in the OSCP guidelines, because (a) it has explicit oil spill-related applications, and (b) baseline monitoring is not mentioned in the regulations at all.</p>	<p>Regulation 14(2) requires that an EP describe the existing environment that may be affected by the activity and include details of the particular relevant values and sensitivities (if any) of that environment. Baseline monitoring information relevant to the activity is therefore included in the EP and subsequently assessed by DMP.</p> <p>Please note no changes have been made to the Guidelines.</p>
<b>1. SPECIFIC COMMENTS (PURPOSE OF AN OSCP)</b>				
5	Section 2 & 3	In Confidence	Section 2 states “The purpose of an OSCP is to provide a practical reference tool for personnel responding to a spill incident” [emphasis added].	<p>Section 2 (Purpose of an OSCP) states: “The purpose of an OSCP is to provide a practical reference tool for personnel responding to a spill incident” and “The OSCP should be written clearly, assist personnel to locate the relevant response information quickly, and enable personnel to immediately understand the actions required to prevent/minimise the environmental impacts associated with the spill incident”.</p> <p>Please note no changes have been made to the Guidelines.</p>

COMMENT NUMBER	REFERENCE	STAKEHOLDER	COMMENT	RESPONSE/ACTION
6	Section 2 & 3	In Confidence	To achieve practicality of an OSCP an EP should direct the reader to the location of the OSCP whilst the OSCP will list all the EPs covered by the OSCP. The OSCP should also include a reference to the relevant emergency response plans within the organisation.	Section 3 (Submission Format) states: “The OSCP must clearly identify the link to the applicable EP (where the OSCP is submitted as a separate document to the EP)”. Section 5.2 (Introduction) states that the OSCP should “identify and describe the integration of the OSCP with other company document/plans, for example the Emergency Response Plan”. Please note no changes have been made to the Guidelines.
7	Section 2 & 3	In Confidence	Activity specific – activities in the OSCP could include all activities generic across all pipelines and then facility specific for any other activities	Section 3 (Submission Format) states that an acceptable OSCP format may include submissions that are “submitted as an OSCP that covers various activities, or locations, and that may relate to more than one EP”. Please note no changes have been made to the Guidelines.
<b>2. SPECIFIC COMMENTS (SUBMISSION FORMAT)</b>				
8	Section 3	Samantha Jarvis – Santos Ltd	For an OSCP that covers various activities, or locations, and that may relate to more than one EP, it is not clear what the situation is if the OSCP is already approved for an existing activity and a new EP is submitted for an activity that would be covered by the existing OSCP. Does the OSCP also need to be submitted, as the statement in bold says “An OSCP will not be approved prior to the approval of an EP.” However, in this case the OSCP would already be approved.	Section 3 (Submission Format) outlines acceptable OSCP submission formats that may include: <ul style="list-style-type: none"> <li>• OSCP submitted as a section in the EP implementation strategy</li> <li>• OSCP submitted as an appendix to the EP</li> <li>• OSCP submitted as an activity specific, standalone document</li> <li>• OSCP submitted as an OSCP that covers various activities, or locations, and may relate to more than one EP.</li> </ul> Where an OSCP is already approved for an existing activity and a new EP is submitted for an activity that would be covered by the existing OSCP, the OSCP would be required to be resubmitted to DMP. This will enable DMP to make an assessment regarding the adequacy of the OSCP for the proposed new activity as well as satisfying regulatory requirements relating to the submission of an OSCP. Please note no changes have been made to the Guidelines.
<b>3. SPECIFIC COMMENTS (MAINTENANCE OF AN OSCP)</b>				

COMMENT NUMBER	REFERENCE	STAKEHOLDER	COMMENT	RESPONSE/ACTION
9	Section 4.1	Samantha Jarvis – Santos Ltd	The requirement to resubmit an OSCP based on the day on which the OSCP approval was granted is not reflected in Regulation 23.	Please refer to Section 4.1 (Maintenance of an OSCP) which has been updated: “The Regulations outline additional requirements for the revision of an OSCP. An operator must submit a revised OSCP to DMP for assessment at least 14 days before the end of the period of two years and six months commencing from the date on which the EP was approved by DMP.”
10	Section 4.1	Samantha Jarvis – Santos Ltd	The requirement to submit a revised OSCP to the DMP for “any changes” to the activity, content of the OSCP or capability of the operator to respond to an incident is not reflected in Regulation 18 which requires resubmission for new activity, impact or risk or significant changes.	Regulation 18 outlines revision requirements of an EP because of a change, or proposed change, of circumstances or activity. Where an EP is revised and submitted to DMP for assessment, the implementation strategy of the EP is also required to be revised and submitted (including the OSCP). Please refer to Section 4.1 (Maintenance of an OSCP) which has been updated for clarity: “In addition to the two year and six month submission requirements, a revised EP, changes to the content of the OSCP, or capability of the operator to respond to an incident will require a revised OSCP to be submitted to DMP as soon as practicable.”
11	Section 4.1	In Confidence	Changes to the activity – define as only at the level that would require an EP change. Is this risk based?	Please see response to comment 10 above.
12	Section 4.1	In Confidence	Query the time frame of 2.5 years which does not correspond to EPs?	Please see response to comment 9 above.
<b>4. SPECIFIC COMMENTS (PREPARDNESS)</b>				
13	Section 5.2	In Confidence	Items 1 through 3 are sufficiently covered in the EP and should not require repeat in the OSCP- especially if applicable to multiple activity areas / assets. Not practical.	Section 5 (OSCP Structure and Content) states: “Where an OSCP has been submitted as part of the implementation strategy of an EP, there is no requirement to repeat information that has already been provided in the EP if it also satisfies the requirements of an OSCP.” DMP notes that the information listed in Section 5.2 (Introduction) is designed to provide context to the OSCP and should detail if and how the environment (including areas of environmental sensitivity) may be impacted in the event of an oil spill. Operators are not expected to reiterate the details already included in the EP. Please note no changes have been made to the Guidelines.

COMMENT NUMBER	REFERENCE	STAKEHOLDER	COMMENT	RESPONSE/ACTION
14	Section 5.3	In Confidence	Section title 'Prevention' is misleading. Consider changing this to "Spill Sources" or "Spill Risk Activities" or similar.	Please refer to Section 5.3 (Identification of Spill Sources) which has been updated for clarity: 'Identification of spill sources.'
15	Section 5.3	In Confidence	Hazardous substance spill prevention (mitigative) is included in the management methods of an EP (if applicable) and is not required by DMP/detailed in this section. These management methods should remain absent from this section to avoid duplication within/between documents.	Section 5.3 (Identification of Spill Sources) does not require the inclusion of mitigation/management measures but requires the identification of all potential spill sources. E.g. transfer of hydrocarbons, equipment failure, damage of equipment etc. Please note no changes have been made to the Guidelines.
16	Section 5.3	In Confidence	Worst case credible volumes – practicable? Or worst case being total volume of storage vessel ... as per previous DMP advice.	Section 5.3 (Identification of Spill Sources) states: "All potential scenarios identified in the OSCP must be evaluated to the worst case credible volumes and impacts. This ensures that in the event of an incident, an adequate level of capability is in place to respond to the highest possible spill scenario event, rather than minimal preparedness."  As part of oil spill preparedness, operators are required to identify worst case credible spill scenario events relevant to the nature and scale of the activity proposed. It is acknowledged that worst case credible spill scenario events will vary from one activity to another.  Please note no changes have been made to the Guidelines.
17	Section 5.4.1	In Confidence	We note this will include a reference to the wider company incident reporting process.	References to company incident reporting processes (e.g. Emergency Response Plans) may be incorporated in the OSCP. The OSCP must however also include adequate information regarding incident reporting processes that is contextually appropriate to the activity proposed (e.g. site specific).  Please note no changes have been made to the Guidelines.
18	Section 5.4.1	Samantha Jarvis – Santos Ltd	In the statement "It is important that the OSCP clearly identifies who is responsible and the process for determining the incident classification levels ...." it is not clear what this responsibility is pertaining to. Is it for determining the response levels, escalation and termination?	The statement in Section 5.4.1 (Response Levels) refers to the identification of relevant roles in the company/site structure that are responsible for key decision making in the event of a spill incident. E.g. responsible for determining incident level classification, escalation of incident response (based on trigger levels) and termination of response.



COMMENT NUMBER	REFERENCE	STAKEHOLDER	COMMENT	RESPONSE/ACTION
				Please refer to Section 5.4.1 (Response Levels) which has been updated for clarity: "It is important that the OSCP clearly identifies who is responsible for making key decisions in the event of a spill incident so that all personnel are aware of the chain of command e.g. determination of incident classification levels, escalation of incident response, and termination of response."
19	Section 5.4.2	In Confidence	Again – all sensitives? If the OSCP is for multiple assets this could be tedious repetition/ detract from the usability of the document. Suggest reference to the EPs that have been listed within the OSCP.	<p>Section 5.4.2 (Protection and Response Priorities) states "The OSCP must identify all sensitivities that may potentially be affected by the worst case credible spill scenarios identified for the activities."</p> <p>The inclusion of environmental sensitivity information is paramount to the OSCP because it enables DMP to make an assessment regarding the appropriateness of the protection and response priorities identified by the operator.</p> <p>This information should be represented in a clear and succinct manner that provides personnel with a quick and easy-to-use response guidance tool.</p> <p>Please note no changes have been made to the Guidelines.</p>
20	Section 5.4.4	Leif Cooper – ChemCentre	There is a lot of detail regarding the soil monitoring that is required for trajectory modelling, but what must also be considered is the oil type and characteristics, and how they are expected to change as the oil weathers (e.g. density increases as volatiles evaporate). This may be partly covered under section 5.2 on p.6 (second dot point, list item 4: "description of the oil ... covered by the OSCP"), but some knowledge of how the oil will weather should also be demonstrated. This should be at least based on a "reasonable worst-case" scenario, and preferably assessed in a few different conditions (e.g. summer/winter, or dry season/wet season).	<p>Section 5.2 (Introduction) requires the OSCP to describe the oil and/or any other substances covered under the OSCP.</p> <p>Information relating to the weathering of these substances is outside the scope of the Guidelines as these relate solely to onshore activities. Onshore spills are predominately responded to and remediated within a short time frame thereby minimising the effects of weather/seasonal conditions. Subsequently the requirement to include weathering information and characteristics has not been included in Guidelines.</p> <p>Please note no changes have been made to the Guidelines.</p>

COMMENT NUMBER	REFERENCE	STAKEHOLDER	COMMENT	RESPONSE/ACTION
21	Section 5.4.4	Leif Cooper – ChemCentre	Trajectory modelling may be based on estimates of various quantities, from viscosity of the oil to the porosity of the soil or the weather conditions that may influence the spill. An explanation of the assumptions made would be useful to determine how conservative (or otherwise) the spill trajectory model is. No oil spill plan can accurately represent the environment, but an explanation of the assumptions will raise awareness of where an actual spill might stray from the model.	Any assumptions or limitations of the trajectory model used should be noted in the OSCP to assist with the assessment of the suitability and adequacy of the oil spill prevention, preparation, response and recovery arrangements.  Please refer to Section 5.4.4 (Trajectory modelling) which has been updated for clarity: “Any assumptions or limitations of the trajectory model used should be noted in the OSCP to assist with the assessment of the suitability and adequacy of the oil spill prevention, preparation, response and recovery arrangements.”
22	Section 5.4.4	In Confidence	<p>“Trajectory modelling” which ‘demonstrate[s] an understanding of the soil type including soil infiltration rates’ is a very onerous requirement for facilities with low levels of spill potential or low environmental sensitivity.</p> <p>**Soil infiltration rates and water table locations are not known for all activity areas – would require significant investigation. In addition, this cannot practicably be determined for all transport routes or areas where liquids may spill (i.e. entire ROW if fuel is lost from plant or equipment).</p> <p>Some form of trigger (quantity or substance held etc.) should be included here to indicate to what extent, or when, extensive geomorphological survey/mapping is needed.</p> <p>More often than not, blanket response and clean up requirements are imposed for all spills, irrespective of size (i.e. immediate isolation, containment and clean up response is required). This circumvents the need for extensive geomorphological survey/mapping because immediate response/best practice is applied as standard. (This relates to DMP’s requirement in Section 5.5; 5.5.1).</p> <p>If DMP expects this level of investigation, then the DMP should specify against what metric this is assessed to negate subjective assessment bias, during assessment of the plan.</p>	<p>Section 5.4.4 (Trajectory Modelling) states: “The OSCP must include information that best represents the zone of potential impact and subsequent fate of a spill for all credible scenarios (including worst case). This representation should demonstrate an understanding of the soil type, including soil infiltration rates, topography, and any other information that may influence the fate of a spill.”</p> <p>When preparing an OSCP, operators should consider all environmental factors (such as soil type and infiltration rates) to ensure response strategies proposed can be effectively implemented (specific to the environment in which the activity is being undertaken). An understanding of soil type (e.g. clay, sand), soil infiltration rates (e.g. low, high), topography (e.g. flat surface, dune systems) and any other information (e.g. depth to groundwater) that may influence the fate of a spill should be relevant to the nature and scale of the activity. This information will assist in determining the environment that may be affected and therefore protection priorities and most appropriate response strategies.</p> <p>The operator is not expected to conduct detailed investigations unless the nature and scale of the activity requires this. The operator is however required to demonstrate that they have an understanding of the soil type of the environment in which they are operating.</p> <p>Please note no changes have been made to the Guidelines.</p>

COMMENT NUMBER	REFERENCE	STAKEHOLDER	COMMENT	RESPONSE/ACTION
23	Section 5.4.8	Leif Cooper – ChemCentre	Testing the OSCP should also include regular reviews and updates of the OSCP to ensure that the information is accurate and current.	<p>Section 5.4.8 (Testing the OSCP) states: “The specified intervals may include not later than 12 months after the most recent test.”</p> <p>The frequency of testing the OSCP is to be described in the document and be relevant to the nature and scale of the activity proposed.</p> <p>The currency and accuracy of information contained within the OSCP should be reviewed on a regular basis when the OSCP is tested.</p> <p>Please refer to Section 4.1 (Maintenance of an OSCP) which has been updated for clarity: “Operators should also ensure that the currency and accuracy of information contained in the OSCP be reviewed on a regular basis.”</p>
24	Section 5.4.8	In Confidence	Testing – at least annually> large requirement – okay if one for all assets as per ERP?	<p>Section 5.4.8 (Testing the OSCP) states: “Testing of an OSCP can be undertaken in a number of ways including desktop exercises and field exercises. This is up to the operator to determine but must be appropriate to ensure regulatory requirements are met.”</p> <p>Where an OSCP covers various activities or locations, or where a standard emergency response structure is used across multiple assets, it may be appropriate to conduct one test. Where one test is conducted for multiple assets, DMP suggests varying the subject of the test each year.</p> <p>The currency and accuracy of information contained in OSCP is still required to be reviewed on a regular basis and when the OSCP is tested.</p> <p>Please note no changes have been made to the Guidelines.</p>
25	Section 5.4.8	In Confidence	Significantly amended? I.e. when it goes to DMP?	<p>Section 5.4.8 (Testing the OSCP) states: “The specified intervals may include when significantly amended.”</p> <p>The frequency of testing the OSCP is to be described in the document and be relevant to the nature and scale of the activity proposed.</p> <p>Testing an OSCP following significant amendments to the document ensures that personnel are aware of any changed oil spill prevention, preparation, response and recovery arrangements associated with the activity.</p> <p>Please note no changes have been made to the Guidelines.</p>

COMMENT NUMBER	REFERENCE	STAKEHOLDER	COMMENT	RESPONSE/ACTION
26	Section 5.4.8	In Confidence	We currently have an exercise and training schedule that covers the personnel in the 5 maintenance base regions of WA to ensure that all regions are covered. It is not feasible to cover each individual asset on an annual basis where several assets come under the jurisdiction of the various maintenance bases and the same personnel are involved for each of the assets.	Regulation 15 requires the operator to conduct tests of the emergency response arrangements set out in the OSCP at specified intervals. Please see response to comment 24 above. Please note no changes have been made to the Guidelines.
27	Section 5.4.6	Samantha Jarvis – Santos Ltd	It is not clear what the requirement for identification of trained personnel means. This could be interpreted as naming individual people and their level of training which then needs to be maintained as people leave or change positions. Should this section be worded more to focus on identifying the type of responder positions, the type of training each responder position requires and the number of trained responders required for each position to maintain a response for the worst case scenario.	The intent of the Guidelines is to refer to positions (not specific personnel names and details) that are trained and available to respond in the event of an incident. Please refer to Section 5.4.6 (Response Personnel) which has been updated for clarity: “Identification of positions that are trained and available to respond to an incident should be provided in the OSCP” and “the OSCP should provide information on the following: positions required to participate in the training”.
28	Section 5.4.7	Samantha Jarvis – Santos Ltd	It is not clear whether the Contact Directory is to be included in the OSCP or treated as a stand-alone document and referenced in the OSCP. Typically, an Emergency Response Contract Directory is a separate document that covers contacts for all emergency situations. Being a separate document allows for it to be kept up to date without having to update each separate emergency response plan.	Section 5.4.7 (Contact Directory) states “Operators are required to maintain an up to date contact directory.” To ensure currency of the contact directory, this may be a standalone “live” document (e.g. attached as an appendix to the OSCP). A copy of the current contact directory must be submitted to DMP at the time of OSCP submission. Where the operator decides to separate the contact directory from the OSCP, the OSCP must provide a clear reference to the contact directory. Please refer to Section 5.4.7 (Contact Directory) which has been updated for clarity: “To ensure currency of the contact directory, this may be a standalone “live” document (e.g. attached as an appendix to the OSCP). A copy of this document (current version) must be submitted to DMP at the time of OSCP submission. A clear reference to this document must also be provided in the OSCP.”

COMMENT NUMBER	REFERENCE	STAKEHOLDER	COMMENT	RESPONSE/ACTION
<b>5. SPECIFIC COMMENTS</b> (RESPONSE AND RECOVERY/COST RECOVERY)				
29	Section 5.5	Leif Cooper – ChemCentre	<p>Oil spill control agents (OSCAs) – Where these are used, companies should also include an explanation of their expected impacts, and how those impacts will be measured and managed. This may include studies of the agents’ effectiveness, but also of their toxicity and/or biodegradability. Comparisons of the expected environmental outcomes using OSCAs compared to other response strategies might also be useful, together with appropriate triggers for their use could be suggest, in something akin to the Net Environmental Benefit Assessment (NEBA) processes that are commonly used in offshore OSCP.</p> <p>(In dealing with the 2010 Deepwater Horizon oil spill in the Gulf of Mexico, BP faced a large backlash over their extensive use of the oil spill dispersant Corexit 9500. This can be avoided, or at least reduced, with appropriate studies done ahead of time.)</p>	<p>The Regulations state: “A person must not apply chemical dispersant to an oil spill that has arisen as a result of an activity unless – the Minister, or the appropriate hazard management agency prescribed under the <i>Emergency Management Act 2005</i>, has given written consent to the application of chemical dispersant.”</p> <p>As these Guidelines relate solely to onshore activities (not activities in offshore marine environments), it is unlikely that the application of chemical dispersant would be identified as a response strategy in the event of an oil spill and/or approved by the Minister or the appropriate hazard management agency.</p> <p>In the event that the application of chemical dispersants was identified by the operator, significant information would be required to be provided to DMP for assessment – e.g. NEBA. Please note no changes have been made to the Guidelines.</p>
30	Section 5.5.6	Leif Cooper – ChemCentre	<p>While the “factors for ceasing monitoring and remediation” are expected, the guidelines would benefit if explicit advice were given along the lines of “clearly identified end-points should be established that trigger the end of any monitoring and/or remediation activities”.</p> <p>This may be informed by the baseline monitoring mentioned under “General Comments” above.</p>	<p>Section 5.5.6 (Monitoring and Remediation) states: “DMP expects a commitment in the OSCP that monitoring and remediation of the impacted/affected environment will be undertaken. Additional information should be provided in the OSCP to support this commitment, such as consideration of the duration of the monitoring and remediation, determining factors for ceasing monitoring and remediation, and any other relevant information that demonstrates the operator’s commitment of ensuring an effective response.”</p> <p>As monitoring and remediation activities will vary largely based on the nature and scale of the spill event (e.g. substance type, volume, location, receiving environment etc.).</p> <p>Triggers for the cessation of monitoring and remediation activities should be considered by the operator during the development of the OSCP (based on worst case credible spill scenarios).</p>

COMMENT NUMBER	REFERENCE	STAKEHOLDER	COMMENT	RESPONSE/ACTION
				<p>It should be noted, however, that consultation with DMP and other relevant agencies/stakeholders at the time of the incident will be required, which may affect the decision to cease monitoring or remediation activities.</p> <p>The specification of monitoring and remediation information in the OSCP does not negate the requirement for the operator to comply with all legislative requirements (including other regulatory approvals), e.g. the <i>Environmental Protection Act 1986</i>, <i>Contaminated Sites Act 2003</i> etc.</p> <p>Please note no changes have been made to the Guidelines.</p>
31	Section 5.5.6 & Section 6	In Confidence	<p>Section 13 states “Where a spill incident has occurred, ongoing monitoring and remediation of the impacted/affected area may be required”.</p> <p>If a commitment by business is expected, then the DMP guideline should specify under what scenario; at what threshold; and/or under whose authority/ jurisdiction such ongoing monitoring/remediation shall be imposed. This can only be managed on a case by case basis.</p>	<p>Section 5.5.6 (Monitoring and Remediation) states: “DMP expects a commitment in the OSCP that monitoring and remediation of the impacted/affected environment will be undertaken.”</p> <p>This statement is consistent with the objectives of the Regulations which is to ensure that all petroleum and geothermal activities are carried out in a manner consistent with the principles of ecologically sustainable development.</p> <p>Where a spill incident has occurred, ongoing monitoring and remediation of the impacted/affected area may be required (based on the nature and scale of the incident) to ensure an effective response was undertaken and that no ongoing or further impacts to the environment have resulted from the incident.</p> <p>It is the operator’s responsibility to determine oil spill prevention, preparation, response and recovery arrangements (including monitoring and remediation activities) relevant and appropriate to the activity proposed.</p> <p>Please see response to comment 30 above.</p> <p>Please note no changes have been made to the Guidelines.</p>
32	Section 5.5.6 & Section 6	In Confidence	<p>If it is an operator’s responsibility to do this (reference to comment above), then the DMP should specify what “an effective response” (Section 5.5.6 para 2) is – and, to negate subjective assessment bias, against what metric this shall be assessed by the DMP during assessment of the plan.</p> <p>This is pertinent to any commitment regarding cost recovery as outlined in Section 6. Cost Recovery.</p>	<p>The Regulations define an “operator” as the person responsible to the instrument holder for the overall management and operation of the activity.</p> <p>Please see response to comments 30 and 31 above.</p> <p>Please note no changes have been made to the Guidelines.</p>

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