

Erosion and Sediment Control -

A Regulator's View

Losing Ground - 1 day Erosion and Sediment Management forum in SEQ

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Speaker Biography

- Operations Manager - Community Response Unit
- EPA for ten years.
- Industrial Chemist for ten years.
- Bachelor of Applied Science
- Masters in Applied Science

Regulator's View

- Legislation / Jurisdiction / Enforcement
- Outcome focused
- Open and transparent

Outcome focused

EPA:

- sets limits
- takes enforcement action to have limits met

Person / Contractor:

- responsible for measures to achieve limits

Limits

Set by legislation:

- nil
- no environmental harm

Set in licences / notices / orders:

- nil
- 20 to 50 mg/L
- 110% of up-current levels

Legislation

Environmental Protection Act 1994

- environmental harm offences
- licensing offences
- notices/orders offences

Environmental Protection (Water) Policy 1997

- Section 32 sediment offences

Integrated Planning Act 1997

- development approval offences

Jurisdiction

EPA

- Environmental Protection Act 1994
- Environmental Protection (Water) Policy 1997

Councils

- Environmental Protection Act 1994
- Environmental Protection (Water) Policy 1997
- Integrated Planning Act 1997

Jurisdiction - Councils

Section 32 Environmental Protection (Water) Policy 1997

- delegated to most Councils
- MoU
- appropriate for minor releases
- material or serious harm matters to be referred to EPA

Enforcement

Level of enforcement dependent on level of harm:

- warnings / fines
- notices and orders
- restraint orders / prosecutions

Environmental Protection (Water) Policy 1997

Section 32 – sediment offence:

- \$300 PIN, \$7,500 maximum
- e.g. Energex, A W Edwards, ALS
- BCC vs FRH Group \$7,500 plus \$16,000 costs

Environmental Protection Act 1994

Section 443 – place contaminant:

- \$62,000 maximum
- EPA vs Karreman \$25,000 plus \$12,500 costs

Section 426 – no licence:

- \$150,000 maximum
- EPA vs Karreman \$20,000 plus \$12,500 costs

Section 435 – breach of licence condition:

- \$1,500 PIN, \$750,000 maximum
- e.g. Claypave

Integrated Planning Act 1997

Section 4.3.1 – no DA:

- \$600,000 maximum
- Redland vs Karreman \$200,000 plus \$10,000 costs

Section 4.3.3 – breach of DA condition:

- \$600,000 maximum
- BCC vs Heran \$40,000 plus \$500 costs
- BCC vs Heran \$50,000 plus \$750 costs

Best Practice

EPA considers best practice when:

- assessing defences to offences when deciding enforcement action.
- drafting enforcement tools such as licences, notices and orders.

Best Practice Guidelines

EPA endorsed:

- Institution of Engineers, Australia (Qld)

Other appropriate:

- BCC
- QLD Department of Main Roads
- NSW Road and Traffic Authority

Best Practice

Includes:

- appropriate planning approvals
- environmental management plans
- staging of works
- management systems
- range of measures
- **Not just sediment fencing**
- **Not hay bales!!!**



Energex - PIN



Energex - PIN



A W Edwards - PIN and EPO



A W Edwards - PIN and EPO



A W Edwards - PIN and EPO



A W Edwards - PIN and EPO



Claypave - PIN and EE/EMP



Karreman - Prosecution



Karreman - Prosecution



Contact Details

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