

# Rail Operator EMP

This procedure outlines the minimum environmental expectations on Rail Operators.

## 1 Definitions and Abbreviations

The following definitions and abbreviations are used throughout this document:

Term / Abbreviation	Definition
<b>Agreement:</b>	Track Access Agreement for the Country Regional Network, owned by the Transport Asset Holding Entity of NSW (TAHE)
<b>EMP</b>	Environmental Management Plan
<b>EPA:</b>	NSW Environment Protection Authority
<b>EPL 13421:</b>	Environment Protection Licence 13421; transferred to UGLRL on 29 <sup>th</sup> January 2022 by the EPA under the POEO Act to authorise “railway systems activities” on the Country Regional Network.
<b>Network:</b>	as per the Agreement
<b>POEO Act:</b>	Protection of the Environment Operations Act 1997 (referred to as the POEO in the Agreement)
<b>POEO Regulation:</b>	Protection of the Environment Operations (General) Regulation 2009
<b>Rail Operations:</b>	as per the Track Access Agreement for the Country Regional Network, owned by the Transport Asset Holding Entity of NSW (TAHE)
<b>Rail Operator:</b>	The party holding a Track Access Agreement for the Country Regional Network, owned by the Transport Asset Holding Entity of NSW (TAHE) for the movement of rolling stock on the Network; or UGLRL

## 2 Reference Documents

The following documents are referenced by or relate to this procedure:

- Emergency Management Plan CRN-MPN-RLS-459032646-2
- Pollution Incident Response Management Plan CRN-MPN-ENV-1089940708-14
- Environmental Protection Licence 13421

## 3 Introduction

### 3.1 Purpose

This procedure outlines the minimum environmental expectations on Rail Operators of the Network Owner and UGLRL as contractor of the Network Owner with responsibility for the operation, maintenance and management of the Network, and specifies those matters that must be covered in the Rail Operator’s Environmental Management Plan (EMP). This plan is to be read in conjunction with the Agreement.

Rail Operators are granted access to parts of the Network on a non-exclusive basis on the terms set out in the Agreement. UGLRL is the ‘Rail Infrastructure Manager’ for the Network and is regulated through Environment Protection Licence (EPL) 13421 for all Rail Operations on the Network.

The NSW Environment Protection Authority (EPA) issues EPL 13421 under the Protection of the Environment Operations Act 1997 (POEO Act).

## 3.2 Roles and Responsibilities

Position	Roles and Responsibilities
Rail Operator	<p>Have in place and comply with an Environmental Management System that is consistent with ISO 14001</p> <p>Prepare, maintain, implement and comply with the Rail Operator's Environmental Management Plan</p> <p>Amend the EMP consistent with any amendment to this procedure, in response to change of law, or due to incident or investigation findings</p> <p>Provide assistance and information reasonably required by UGLRL to demonstrate environmental compliance or request or requirement of any competent Government.</p>
UGLRL Network Access Planning Manager	<p>Facilitate notification to and/or consultation with the Rail Operator regarding amendments to those matters that must be covered in the EMP</p> <p>Accept the draft amended EMP only if a copy of <i>Rail Operator EMP Declaration CRN-FRM-ENV-1089940708-38</i> is attached</p> <p>Maintain a current copy of each Rail Operator's EMP.</p>
Senior Environment Officer	<p>Maintain this procedure so that those matters that must be covered in the Rail Operator's EMP are consistent with any amendments to AS/NZS ISO:14001, Environmental law and/or EPL 13421.</p> <p>Review the Rail Operator EMP's and provide advice to the Operations manager as to acceptance of environmental documentation as provided by the Rail Operator</p>

Table 1: Roles and Responsibilities

## 4 Rail Operator Environmental Management Plan

### 4.1 Those matters that must be covered

Table 2.1 below identifies the matters that must be covered in the Rail Operator's EMP (with reference to ISO 14001).

ISO 14001 reference	Responsibilities
Context of the Organisation (4)	Understanding the context, boundaries and impact areas of the organization, and the needs and expectations of interested parties,
Leadership and Commitment (5.1)	Evidence of management process and review of the plan and the associated systems, references to communication of system and expectations of management (who does what).
Policy (5.2)	Include of copy of the Rail Operator's Environmental Policy.
Resources, roles, responsibility and authority (5.3)	<p>Include contact details for the Rail Operator's:</p> <ul style="list-style-type: none"> <li>- Environmental representative</li> <li>- Incident representative (must be contactable 24-7)</li> <li>- Complaint representative (must be contactable 24-7).</li> </ul>
Environmental Aspects (6.1.2)	Include a description of the Rail Operator's activities on and near the Network and significant environmental aspects, including planning. This can be a reference to the Principal Risk Register and associated processes, if the PRR is an environmental inclusive document.

ISO 14001 reference	Responsibilities
Legal and Other Requirements (a.k.a Compliance Obligations 6.1.3)	<p>Include information on the Rail Operator's legal and other requirements for Rail Operations on and near the Network (at a minimum this includes the POEO Act, EPL 13421 and the Rail Operator's EMP).</p> <p>Include reference to the access agreement requirements, clause 7.3.</p> <p>At a minimum this includes details of procedures that require the Rail Operator to obtain EPA approval for any 'substantially modified' locomotive.</p>
Competency Training and Awareness (Competency 7.2)	<p>Determines actions of assessment of environmental competency and ensures all persons are assessed as competent prior to work. Usually references minimum training, experience and education. Often also outlines induction requirements for staff.</p>
Control of Documents (Documented information, 7.5)	<p>Include a version number, issue date and approver for the EMP and attach a completed copy of <i>Rail Operator EMP Declaration CRN-FRM-ENV-1089940708-38</i>.</p>
Emergency Preparedness and Response (8.2)	<p>Include information that addresses the matters in Clause 98C of the POEO Regulation (insofar as applicable to Rail Operations on or near the Network).</p> <p>Include reference to Rail Safety Emergency Response (note – the rail safety emergency response plan can be the lead document, provided it has pollution response included).</p> <p>Include, at a minimum a reference that the Operator must notify of any pollution incident when it occurs. In addition, should a technical EPL breach be identified by the Operator, the UGLRL HSE Manager or Network Operations must be notified as soon as practicable after the breach is identified.</p>
Performance Evaluation (9) and improvement (10)	<p>Monitoring and measuring of compliance, including audit, inspection, management review and evaluation of compliance to this plan and also the Rail Operators Environmental Management System. Include information on how often the plan will be reviewed (recommend, at a minimum, annually, post incident if the system is identified as a failing, or upon change of applicable legislation.).</p> <p>Improvements to enhance the environmental performance of the system, and/or corrective actions is referenced in this section (if not before).</p>

## 4.2 EMP Documentation

Clause 2.1(a) of the Agreement provides that the Rail Operator must prepare an EMP that the Rail Operator has certified is consistent with the requirements of this procedure and provided it to the Network Owner (or UGLRL as its contractor).

There is no prescribed format for the Rail Operator's EMP. Provided the requirements of this procedure and any other requirements set out in the Agreement are addressed, the Rail Operator's EMP may form part of another document. The Network Access Planning Manager is responsible for providing a copy of this document to the Rail Operator.

### 4.2.1 Submission, amendment and acceptance of the EMP

The Rail Operator is responsible for providing a copy of the EMP to UGLRL on behalf of the Network Owner with a completed copy of *Rail Operator EMP Declaration CRN-FRM-ENV-1089940708-38* attached.

The Network Owner may amend this procedure, including those matters that must be covered in the EMP, in accordance with the terms of the Agreement.

The Network Owner may require the Rail Operator to amend the EMP if any of the following are amended:

- *Emergency Management Plan CRN-MPN-RLS-459032646-2*

- *Pollution Incident Response Management Plan CRN-MPN-ENV-1089940708-14*
- This document
- Environmental laws, regulations and AS/NZS ISO:14001
- EPL 13421

The Network Access Planning Manager, in discussion with the HSE Manager, is responsible for determining the extent of consultation required and facilitating such consultation with the Rail Operator.

Should the Rail Operator can alter their Rail Operator EMP, the revised EMP and an updated *Rail Operator EMP Declaration CRN-FRM-ENV-1089940708-38* is to be provided to the Network Access Planning Manager. As per Table 2.1, the Operator EMS is recommended, at a minimum, to be updated annually, post incident if the system is identified as a failing, or upon change of applicable legislation

The Network Access Planning Manager is responsible for maintaining a copy of the accepted EMP with the completed copy of *Rail Operator EMP Declaration CRN-FRM-ENV-1089940708-38*.