

Sydney Trains Environmental Management System System Procedure

Rail Operator Environmental Management Plan

Document History

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Number			
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1 Introduction

1.1 Purpose

This procedure forms the Environment Management System (EMS) Manual for the purpose of the RailCorp Track Access Agreement (Agreement). This procedure specifies those matters that must be covered in the Rail Operator's Environmental Management Plan (EMP) as required by Clauses 1.3, 7.2, 7.3 and Annexure H of the Agreement so as to enable acceptance of the EMP by Sydney Trains.

1.2 Scope

This procedure applies to the Rail Operator development of and acceptance by Sydney Trains of the Rail Operator's EMP, including the amendment by Sydney Trains of those matters that must be covered in the EMP. This procedure must be read in conjunction the relevant clauses of the Agreement.

1.3 Background

Rail Operators are granted access to parts of the Network on a non-exclusive basis on the terms set out in the Agreement or, for NSW Trains only, the NSW Trains Rail Services Contract. Annexure H of the Agreement outlines the requirements for the Rail Operator's EMP.

Sydney Trains is the 'rail infrastructure manager' for the Network and is regulated through Environment Protection Licence (EPL) 12208 for all Rail Operations on the Network.

The NSW Environment Protection Authority (EPA) issues EPL 12208 under the *Protection of the Environment Operations Act 1997 (POEO Act)*.

1.4 Roles and Responsibilities

Table 1.1: Rail Operator Roles and Responsibilities

Position	Roles and Responsibilities
Rail Operator	<ul style="list-style-type: none"> Have in place and comply with an EMS that is consistent with ISO 14001 Prepare, maintain, implement and comply with the Rail Operator's EMP Amend the EMP consistent with any amendment to this procedure Provide assistance and information reasonably required by Sydney Trains to demonstrate environmental compliance or request or requirement of any competent Government.

Table 1.2: Sydney Trains Roles and Responsibilities

Position	Roles and Responsibilities
Manager Freight & Private Operations	<ul style="list-style-type: none"> Facilitate notification to and/or consultation with the Rail Operator regarding amendments to those matters that must be covered in the EMP Accept the draft amended EMP only if a copy of EMS-10-FM-0220 <i>Rail Operator's EMP Declaration</i> is attached Maintain a current copy of each Rail Operator's EMP.
Group Manager Environment	<ul style="list-style-type: none"> Maintain this procedure so that those matters that must be covered in the Rail Operator's EMP are consistent with any amendments to ISO 14001, environmental law and/or EPL 12208.

Table 1.3: Transport for NSW Roles and Responsibilities

Position	Roles and Responsibilities
Manager Network Access	<ul style="list-style-type: none">• Effective as at the date of the Agreement, provide a copy to the Rail Operator of those matters that must be covered in the EMP and a copy to Sydney Trains of the Rail Operator's EMP with EMS-10-FM-0220 <i>Rail Operator's EMP Declaration</i> attached.

2 Rail Operator Environmental Management Plan

2.1 Environmental Compliance and Incident Management (Agreement Clause 7.3)

Agreement Clause 7.3 requires that the Rail Operator must:

- Comply with environmental laws as if the Rail Operator is the holder of EPL 12208 (Agreement Clause 7.3 (a) (ii) and (b))
- Assist Sydney Trains comply with and/or demonstrate compliance with all laws which relate to the environment (Agreement Clause (c))
- Undertake steps or actions to prevent, mitigate or remedy and environment condition or incident Agreement Clause (d)).

In order to meet the requirements of Clause 7.3, the Rail Operator EMP must address the following requirements:

Pollution incidents (POEO Act Parts 5.7 & 5.7A & EPL 12208 Condition R2)

- The Rail Operator must document the matters given in clause 98C of the *Protection of the Environment (General) Regulation 2009* (POEO Regulation) (insofar as applicable to Rail Operations on or near the Network)
- The Rail Operator must immediately notify Sydney Trains Rail Management Centre (RMC) of any pollution incident on the Network and provide EMS-11-FM-0139 *Rail Operator Pollution Incident Record* (or equivalent) to Sydney Trains within five calendar days of the incident and/or further information within the period specified
- The Rail Operator must participate in a review of the EPL 12208 Pollution Incident Response Management Plan (PRIMP) if so requested

Pollution reduction programs & monitoring data (EPL 12208 Condition U1.1 & POEO Act Section 66)

- The Rail Operator must provide a quarterly report on actions taken in response to any angle of attack (AoA) exception reports received from Sydney Trains.

The Rail Operator's report will be included in Sydney Trains' quarterly AoA update to the EPA which is published on the Sydney Trains website

Pollution complaints & regulatory requests (EPL 12208 Condition M2 & R3)

- The Rail Operator must provide a record of action taken, or the reasons why no action was taken, in relation to any pollution complaint received via Transport for NSW and/or Sydney Trains within the period specified
- Sydney Trains may be requested by the EPA to provide a written report into a suspected material harm event. If so, the Rail Operator must provide all assistance reasonably required within the period specified

Licensed activities, plant & equipment (EPL 12208 Conditions O1 & O2)

- The Rail Operator must carry out Rail Operations in a competent manner
- The Rail Operator must maintain plant and equipment in a proper and efficient condition
- The Rail Operator must operate plant and equipment in a proper and efficient manner

Locomotives (EPL 12208 Conditions L2 & E2)

- The Rail Operator must not operate on the Network any 'substantially modified' 'locomotive' or any type or class of 'locomotive' that is not included in Condition E2
- The Rail Operator may apply for EPA approval of the locomotive via Sydney Trains, the Australian Rail Track Corporation (ARTC) or John Holland Rail (JHR) and the EPA may grant concurrent

approval for the locomotive. Approval is granted to Sydney Trains in the form of an EPL 12208 variation.

EPL 12208 Compliance (EPL 12208 Condition R1)

- The Rail Operator must provide quarterly and annual assurance to Sydney Trains using EMS-03-FM-0140 *Rail Operator EPL 12208 Assurance*.

2.2 Rail Operator Environmental Management Plan (Agreement Clauses 1.3, 7.2 & Annexure H)

2.2.1 Those matters that must be covered

Agreement Annexure H outlines the minimum requirements for the Rail Operator's EMP. This includes that the EMP must cover those matters identified in the Environmental Management System Manual (this procedure).

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

Note that these requirements are in addition to those identified in Section 2.1 or any other requirement of this procedure.

Table 2.1: Matters that must be covered in the Rail Operator's EMP

ISO 14001 Reference	Matter that must be covered
4.2 Policy	Include of copy of the Rail Operator's Environmental Policy.
4.3.1 Environmental aspects	Include a description of the Rail Operator's activities on and near the Network and significant environmental aspects.
4.3.2 Legal and other requirements	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 12208 and the Rail Operator's EMP).
4.4.1 Resources, roles, responsibility and authority	Include contact details for the Rail Operator's: <ul style="list-style-type: none"> Environmental representative Incident representative (must be contactable 24-7) Complaint representative (must be contactable 24-7).
4.4.5 Control of documents	Include a version number, issue date and approver for the EMP and attach a completed copy of EMS-10-FM-0220 <i>Rail Operator EMP Declaration</i> .
4.4.6 Operational control	Include information on the Rail Operator's systems and procedures for ensuring environmental compliance, managing environmental risks and controlling operations associated with significant environmental aspects. At a minimum this includes details of procedures that require the Rail Operator to: <ul style="list-style-type: none"> obtain EPA approval for any 'substantially modified' locomotive or a type or class of locomotive not listed in Condition E2 and not operate the locomotive on the Network until the locomotive is listed in Condition E2 of EPL 12208 include a quarterly AoA action report in the EPL 12208 assurance (if AoA exception reports are received from Sydney Trains) immediately notify RMC and provide EMS-11-FM-0139 <i>Rail Operator Pollution Incident Record</i> within five calendar days to EPL12208@transport.nsw.gov.au provide a record of action taken, or the reasons why no action was taken,

ISO 14001 Reference	Matter that must be covered
	within the period specified for any pollution complaints received by the operator regarding operations on the EPL 12208 Rail Network.
4.4.7 Emergency preparedness and response	Include information that addresses the matters in Clause 98C of the POEO Regulation (insofar as applicable to Rail Operations on or near the Network).
4.5.2 Evaluation of compliance	Include a commitment to provide EMS-03-FM-0140 <i>Rail Operator EPL 12208 Assurance</i> , with AoA action reports if applicable, to Sydney Trains via EPL12208@transport.nsw.gov.au as follows: <ul style="list-style-type: none"> • Q1 1 July to 30 September; due 20th October • Q2 1 October to 31 December; due 20th January • Q3 1 January to 31 March; due 20th April • Q4 1 April to 30 June; due 20th July

2.3 EMP Documentation

Agreement Clause 1.3 requires that effective at the date of the Agreement:

- The Rail Operator must be provided a copy of the EMS Manual, including those matters that must be covered in the EMP (this procedure)
- Sydney Trains must be provided with a copy of the Rail Operator's EMP.

2.3.1 Format of the EMP

There is no prescribed format for the Rail Operator's EMP. Provided the requirements of this procedure and the Agreement are covered, the EMP may form part of another document.

The TfNSW Manager Network Access is responsible for providing a copy of the EMS Manual, including those matters that must be covered in the EMP, to the Rail Operator

2.3.2 Submission of the EMP

The TfNSW Manager Network Access is responsible for providing a copy of the EMP to Sydney Trains with a completed copy of EMS-10-FM-0220 *Rail Operator EMP Declaration* attached.

2.3.3 Amendment to the EMP

Sydney Trains may amend the EMS Manual (this procedure), including those matters that must be covered in the EMP, provided it consults with the Rail Operator in accordance with, and to the extent required by, Clause 24.11 of the Agreement (Agreement Clause 7.1 (b)).

Sydney Trains may require the Rail Operator to amend the EMP if any of the following are amended:

- Network Incident Management Framework (Agreement Clause 7.2 (j))
- EMS Manual (Agreement Clause 7.2 (j)) , including those matters that must be covered in the EMP (Agreement Annexure H)
- Environmental laws (Agreement Clause 7.2 (k))
- EPL 12208 (Agreement Clause 7.2 (l)).

The Manager Freight & Private Passenger Operations is responsible for determining the extent of consultation required and facilitating such consultation with the Rail Operator.

The Rail Operator may propose an amendment to the Rail Operator EMP at any time by providing a copy of the draft amended EMP to Sydney Trains (Agreement Clause 7.2 (b)) with a completed copy of EMS-10-FM-0220 *Rail Operator EMP Declaration* attached.

2.3.4 Acceptance of the EMP

Sydney Trains has 3 months to respond to receipt of a draft amended EMP (Agreement Clause 7.2 (c)).

The Manager Freight & Private Passenger Operations will accept the draft amended EMP provided that a completed copy of EMS-10-FM-0220 *Rail Operator EMP Declaration* is attached.

The Manager Freight & Private Passenger Operations and the Group Manager Environment are each responsible for maintaining a copy of the accepted EMP with a completed copy of EMS-10-FM-0220 *Rail Operator EMP Declaration* attached.

3 EMS Essential Documents

The Essential Records associated with this System Procedure (required to provide leadership and direction in the EMS or to demonstrate conformance to the EMS or for the continuation of Sydney Trains’ primary business) are listed in Table 3.1. Requirements for Essential Records are contained in EMS-08-PR-0011 *EMS Record Management*.

Table 3.1: Essential Records

Essential Record	Parent document	Record Management System	Confidential Record (Yes/No)	Record Retention Period	Record Use Review	Use Review By
Rail Operator’s EMP	Agreement	Paper or electronic	No	7 years	3 years	Document custodian
Rail Operator’s EMP Declaration	EMS-10-PR-0079	Paper or electronic	No	7 years	3 years	Document custodian

4 Definitions and Acronyms

AoA: angle of attack

Agreement: RailCorp Track Access Agreement

EPA: NSW Environment Protection Authority

EPL 12208: Environment Protection Licence 12208; issued to Sydney Trains by the EPA under the POEO Act to authorise “railway systems activities” on the RailCorp network.

Locomotive: as per EPL 12208 Condition E3.1

Network: as per the Agreement

POEO Act: *Protection of the Environment Operations Act 1997* (referred to as the PEO in the Agreement)

POEO Regulation: *Protection of the Environment Operations (General) Regulation 2009*

Rail Operations: as per the RailCorp Track Access Agreement

Rail Operator: RailCorp Track Access Agreement holder; or NSW Trains

Substantially modified: as per EPL 12208 Condition E3.1.

5 References

RailCorp Track Access Agreement

Protection of the Environment Operations Act 1997 (NSW)

Protection of the Environment Operations (General) Regulation 2009 (NSW)

Environment Protection Licence 12208

EMS-10-FM-0220 *Rail Operator EMP Declaration*

EMS-03-FM-0140 *Rail Operator EPL 12208 Assurance*

EMS-11-FM-0139 *Rail Operator Pollution Incident Record*

EMS-03-PR-0204 *EPL 12208 AoA Monitoring and Reporting*