



Post Assessment Guidelines

Post Assessment Guideline for Preparing a Compliance Assessment Report

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Office of the Environmental Protection Authority

Western Australia

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Post Assessment Guideline for Preparing a Compliance Assessment Report, Post Assessment Guideline No. 3, Office of the Environmental Protection Authority, August 2012.

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1 Introduction

If a Statement has been served under Section 45(5) of the *Environmental Protection Act 1986* (EP Act), the proponent must ensure the proposal is implemented in accordance with the implementation conditions of that Statement.

Statements may include an implementation condition requiring the proponent to prepare a Compliance Assessment Report (CAR) in accordance with the *Post Assessment Guideline for Preparing a Compliance Assessment Report*, Post Assessment Guideline No. 3, Office of the Environmental Protection Authority.

CARs are declarations made by a proponent that the implementation conditions¹ and/or procedures of a Statement have been, are being, have not or are not being complied with within the reporting period addressed by the CAR.

A CAR must:

- indicate the status of implementation of the proposal;
- declare for each implementation condition and/or procedure of the Statement, whether it has been, is being, has not or is not being complied with (that is, declare its compliance status);
- provide documentation which supports/verifies the declared compliance status of the implementation conditions and/or procedures of the Statement;
- where management or monitoring plans are required to be implemented, provide documentation which supports/verifies whether the requirements specified in those plans have been, are being, have not or are not being fulfilled;
- review the performance of any management plans required to be implemented in achieving environmental outcomes required;
- review the effectiveness of any monitoring plans required to be implemented in verifying whether objectives are met or in adequately monitoring the relevant factors;
- identify all non-compliances and describe the related corrective and preventative actions taken or being taken; and
- identify all potential non-compliances and provide evidence of how these are being assessed for corrective action.

2 Structure of Compliance Assessment Reports

CARs must be comprised of but not limited to:

- an introduction;
- a summary of the proposal's implementation status;
- a statement of compliance with the requirements of the Statement;
- details of declared compliance status; and
- information/documentation which supports/verifies declarations of compliance status.

¹ Please note that where the term implementation condition is used, this also refers to commitments where the commitments are required to be implemented by an implementation condition.

At a minimum the abovementioned components must include the following:

2.1 Introduction

The introduction must provide brief details about the project/operation. The Statement number and the period of time (inclusive of start and end date) covered by the CAR must be included.

2.2 Summary of proposal's implementation status

The summary of the proposal's implementation status must include the implementation status of the proposal (for example pre-construction, construction, operation, decommissioning) and should provide a summary of any issues that may have arisen and/or any major project milestones/achievements that may have been met in the reporting period.

2.3 Statement of Compliance

The CAR must include a Statement of Compliance prepared in accordance with and provide all the information required by the OEPA's *Post Assessment Form for a Statement of Compliance*, as amended from time to time.

2.4 Details of declared compliance status

The CAR must include details of the declared compliance status of each implementation condition and/or procedure of the Statement. The details provided must demonstrate that each declaration of compliance status is accurate. This must include details of what criteria were to be met, whether they were met and sufficient information/documentation to support/verify conclusions.

The following should be noted when determining the amount and quality of information/documentation that is provided to support/verify declarations of compliance status:

- the General Manager of the OEPA has powers under section 47(2) of the EP Act to require reports and information about implementation of the proposal to which the statement relates and compliance with the implementation conditions; and
- it is an offence under section 112 of the Environmental Protection Act 1986 for a person to give or cause to be given information that to his knowledge is false or misleading in a material particular.

The following is an example of the details of declared compliance status that would be expected. Where an implementation condition requires criteria of a guideline to be met:

- specify the criteria to be met, if any criteria are not applicable advise why;
- provide results of analysis demonstrating whether the criteria have been met; and
- provide any other supporting information/documentation such as the raw monitoring data that was analysed to determine whether criteria was met.

Where an implementation condition requires implementation of Environmental Management Plans/Programs (EMaPs) or Environmental Monitoring Plans/Programs/Research (EMoPs), Sections 2.4.1 and 2.4.2 should be followed to determine the information to be provided in the details of declared compliance status for that implementation condition.

Where an implementation condition requires implementation in accordance with a Key Characteristics Table (also referred to as the Summary of Key Proposal Characteristics and usually found in Schedule 1 of a Statement), the details of declared compliance status must include a declaration of compliance status with each key characteristic. It is recommended that this information be provided in a table format. An example of this is provided in Table 1.

Table 1: Compliance Status of Key Characteristics

Audit Code	Subject	Requirement	Status	Further Information	
XXX:M1.1	Proposal Implementation	When implementing the proposal, the proponent shall not exceed the authorised extent of the proposal as defined in Column 3 of Table 2 in Schedule 1, unless amendments to the proposal and the authorised extent of the Proposal has been approved under the EP Act.	Compliant	The proposal has been implemented in accordance with all elements outlined in Column 3 of Table 2 of Schedule 1.	
		Key Characteristic	Description		
		Clearing	Up to 121 hectares	Compliant	
		Mine Pit Depth	Up to 90 metres	Compliant	
		Mine Pit Dewatering	Up to 100 gegalitres per annum	Compliant	

Examples of information/documentation to support/verify declarations of compliance status and directions for presenting this information in the CAR are provided in Section 2.4.3

Directions for presenting raw data in the CAR are provided in Section 2.4.4

2.4.1 Environmental Management Plans/Programs

Where the Statement requires implementation of EMaPs, performance against these EMaPs must reported in the CAR. Firstly, an overall statement of compliance with the requirement to implement the EMaP must be provided (in the audit table and in the Details of Declared Compliance Status section). Secondly, a breakdown of the key requirements and/or objectives of the EMaP must be provided. For each of these a declaration of compliance status must be made and information/documentation which supports/verifies the declared compliance status for each key requirement and/or objective provided. When determining the key requirements and/or objectives of an EMaP, the proponent should consider:

- the intent of the EMaP; and
- which requirements and/or objectives demonstrate achievement of the intent.

Some proponents have found that providing EMaP reporting information in a table format (similar to the audit table) is a clear way of breakdown of the key requirements and/or objectives of the EMaP presenting the information.

2.4.2 Environmental Monitoring Plans/Programs/Research

Where the Statement requires implementation of EMoPs the following must be reported in the CAR:

- an overall statement of compliance with the requirement to implement the EMoP must be provided (in the audit table and in the Details of Declared Compliance Status section);
- performance against the monitoring requirements (e.g. was monitoring undertaken at the required frequency and/or locations);
- results of the required monitoring that was undertaken over the reporting period;
- a summary and interpretation of analysed monitoring results; and
- advice of whether the monitoring results demonstrate that applicable criteria have been met during the reporting period.

The analysed information must be presented in a clear manner. For example, graphs showing monitoring trends or tables which provide sample location/identification number, date/time when sample taken, analytical parameters, laboratory results and the criterion levels that results are compared against.

Where appropriate, raw data should be submitted to support analyses and conclusions provided in the CAR.

2.4.3 Supporting/verifying information/documentation

Information/documentation which supports/verifies declarations of compliance status should be provided where relevant. This information may be provided within the Details of Declared Compliance Status Section of the CAR or be referred in that section and then be provided in appendices. Where ever the details are provided, the CAR must make it clear which implementation condition and/or procedure the information is relevant to.

Examples of documentation which supports/verifies statements of compliance status include:

- monitoring data and analysis;
- production data
- environmental management system records including:
 - monitoring records;
 - operational records; and
 - correspondence;
- consultant reports;
- letters from advisory agencies showing consultation has occurred;
- photographs illustrating that an action has been completed;
- quality assurance forms signed by an authorised person;
- completed fauna trench monitoring checklists;
- invoices from contractors for completion of an action;
- internal or external audit results;
- complaints register;
- maps and aerial photographs outlining facility locations, site layouts and monitoring locations.

2.4.4 Raw data

Where information/documentation which supports/verifies the declared compliance status of an implementation condition and/or procedure of a Statement, the proponent is required to demonstrate how the raw data supports its declaration of compliance status. The raw data must be analysed to determine whether the relevant requirements have been achieved and the results of that analysis must be provided (for example, a graph showing results of monitoring for total suspended solids against the allowable limits for total suspended solids; or where daily inspection is required a log of the inspections may be supplied with a declaration of whether the log demonstrates that daily inspection requirements were achieved).

Raw monitoring data provided to support analysis and conclusions should be provided as an appendix in an electronic format at the same time as the rest of the CAR. Provision of large amounts of raw monitoring data as a hard copy is discretionary.

3 Other information

The proponent may wish to include other information in the CAR. For example, a summary of any self-initiated (voluntary) stakeholder consultation undertaken during the reporting period or information reporting on performance against criteria of other approvals. Where information

other than that directly relevant to the requirements of the Statement are included, it should be made clear which information relates to the requirements of the Statement and where it is located.

4 Consolidating environmental reporting Requirements

If the proponent has other statutory or commercial annual environmental reporting requirements (for example, the requirement to submit an Annual Environmental Report in accordance with the *Mining Act 1978*) the OEPA considers it reasonable for the proponent to coordinate environmental reporting requirements into one submission, providing the consolidated report meets the requirements of this Guideline.

Please note that some implementation conditions nominate a submission date for CARs which may not align with submission dates for the proponent's other annual reporting requirements. The proponent may make a written request for the Chief Executive Officer of the OEPA's approval to alter this date where the implementation condition(s) allow for this.

5 Submission of Compliance Assessment Report

One hard copy and one electronic copy (preferably PDF on CD or thumb drive) of the CAR are required to be submitted to the General Manager, OEPA, marked to the attention of Manager, Compliance Branch.

In some instances, large amounts of information may make up the supporting evidence of the declared compliance status of implementation conditions and commitments. For example, raw monitoring data, copies of inspection checklists, photographs or consultant's reports. It is acceptable for this information to be included as appendices of the CAR and be provided to the OEPA as an electronic version only. Please note that this information must be submitted at the same time as the rest of the CAR.

Please note that the OEPA has adopted a procedure of providing written acknowledgment of receipt of all CARs submitted by the proponent, however the OEPA does not approve CARs.

6 Post Assessment Guidelines and Forms

Post assessment documents can be found at www.epa.wa.gov.au in the following locations:

- Post Assessment Guidelines: Home>Policies and Guidelines>Post Assessment Guidelines;
- Post Assessment Forms: Home>Post Assessment Forms.