

Clean Waters Regulations 1972

Note:

The *Clean Waters Regulations 1972* made under the *Clean Waters Act 1970* are on and from 1.7.1999 taken to be regulations made under the *Protection of the Environment Operations Act 1997 No 156*. See clause 11 of Schedule 5 to the *Protection of the Environment Operations Act 1997*.

Reprint history:

Reprint No 1

21 January 1982

Reprint No 2

16 March 1988

Reprint No 3

28 October 1997

Part 1 – Preliminary

1 Name of Regulations

(1) These Regulations may be cited as the *Clean Waters Regulations 1972*.

(2) (Repealed)

2 Definitions

(1) In these Regulations, except in so far as the context or subject-matter otherwise indicates or requires: "**biochemical oxygen demand**" means the quantity of oxygen utilised in the biochemical oxidation of organic matter in a sample of waters or of wastes, determined in accordance with the method specified in the Approved Methods Publication. "**chemical oxygen demand**" means the quantity of oxygen utilised to oxidise matter determined in accordance with the method specified in the Approved Methods Publication. "**common drain**" means any drain, other than a sewer, which is vested in, or is in the care, control or management of, or is on land occupied by, a person and which is or is likely to be used for the conveyance of any pollutant into waters from any other drain which is vested in, or is in the care, control or management of, or is on land occupied by, some other person. "**dangerous goods**" has the same meaning as in the *Road and Rail Transport (Dangerous Goods) Act 1997*. "**overflow drain**" means any drain which is used or is likely to be used to divert any pollutant into any waters from another drain when that other drain is surcharged as a result of damage, excessive rainfall or any emergency. "**restricted substance**" means any substance specified in column 1 of Schedule 2. "**the Act**" means the *Clean Waters Act 1970*. "**the Approved Methods Publication**" means the document entitled "Approved Methods for the Sampling and Analysis of Water Pollutants in New South Wales" prepared by the EPA and published in the Gazette, as in force from time to time. "**thermal wastes**" means any liquid which, after being used in or in connection with any manufacturing, trade or domestic process, is discharged into waters and which, immediately before it is so discharged, has a temperature of 2 degrees Celsius or more greater than the temperature, taken immediately before or immediately after the temperature of the liquid being discharged is taken, of any

similar liquid immediately before it is used in or in connection with that manufacturing, trade or domestic process.

(2) (Repealed)

(3) Where in these Regulations a reference is made to any act, matter or thing as being an "approved" act, matter or thing, that reference is to any such act, matter or thing, as the case may be, as the Commission may from time to time approve.

3 Testing of water and wastes

(1) Where for the purposes of these Regulations any test for determining the nature or concentration in waters or in wastes of any matter is carried out, that test shall be carried out in accordance with the appropriate method specified in the Approved Methods Publication.

(2) Notwithstanding clause (1), the person carrying out any test pursuant to that clause, may, where the result of the test would not be affected, vary the procedural details specified in the method utilised.

(3) For the purposes of Regulation 8, the nature or concentration in waters or wastes of any matter is to be determined in accordance with any applicable condition of a licence that specifies the procedures or methods to be used by the licence holder concerned, or if there is no applicable condition, in accordance with any procedures or methods determined in writing for that purpose by the Authority.

(4) Without limiting clause (3), the procedures or methods that may be specified include the use of sampling procedures or methods of statistical analysis.

(5) In the event of any inconsistency between the requirements of clauses (1) and (3), the requirements of clause (3) prevail to the extent of that inconsistency.

(6) The Authority is to make available to any person on request a copy of any determination made under clause (3).

4 (Repealed)

Part 2 – (Repealed)

Part 3 – Classification of waters

8 Prescribed classes of waters

For the purposes of section 11 (1) of the Act, waters shall be classified as follows:

Class S: Specially Protected Waters --waters into which:

- (a) no wastes are to be discharged, and
- (b) only Class P waters flow.

Class P: Protected Waters --waters into which:

- (a) wastes are not to be discharged except as provided in respect of this classification,
- (b) where sewerage is available, wastes which are of a type acceptable to the sewerage authority are not to be discharged otherwise than by way of a sewer,
- (c) overflows from sewers, wastes pumping stations, treatment works or other parts of a sewerage system are not to be discharged,
- (d) organic wastes are not to be discharged unless they are so treated that the resulting effluent has:
 - (i) where the relative proportion of water to the wastes is 19:1 or more--a biochemical oxygen demand of not more than twenty milligrams per litre and a non-filtrable residue of not more than thirty milligrams per litre, or
 - (ii) where the relative proportion of water to the wastes is less than 19:1 and the oxygen content of the waters is, or is likely to be, reduced as a result of the discharge--such a lower biochemical oxygen demand and non-filtrable

residue as may be approved,

(e) wastes are not to be discharged unless the concentration of plant nutrients in the wastes is controlled so as to prevent excessive plant growth in, abnormal variation in dissolved oxygen or pH levels in, or degradation of the appearance of, the waters,

(f) infectious wastes or wastes in which faecal coliforms are likely to be present are not to be discharged unless:

(i) the wastes are treated in an approved manner, and

(ii) in the case of waters likely to be used for bathing--the faecal coliform density as determined in an approved manner after sampling at an approved location does not exceed 200 per 100 millilitres,

(g) wastes are not to be discharged unless they are visually free of grease, oil, solids and unnatural discolouration and free of settleable matter,

(h) wastes are not to be discharged if the resulting concentration of the wastes in the waters:

(i) is or is likely to be harmful, whether directly or indirectly, to aquatic life or water-associated wildlife,

(ii) gives rise to or is likely to give rise to abnormal concentrations of the wastes in plants or animals, or

(iii) in the case of fresh water, is likely to affect the use of the waters for human consumption, domestic or industrial purposes, watering of stock or the irrigation of land,

(i) wastes are not to be discharged if the concentration of any restricted substance (other than Nitrogen (ammonia)) in the wastes exceeds the concentration specified opposite that substance in Schedule 2 or, in the case of Nitrogen (ammonia), the concentration exceeds 2 milligrammes per litre,

(j) wastes are not to be discharged into the waters if the pH value of the wastes is less than 6.5 or more than 8.5 or if the discharge induces a variation in the pH value of the waters of more than 0.2,

(k) wastes are not to be discharged if the radioactivity level of the wastes exceeds the levels specified in Schedule 3,

(l) thermal wastes are not to be discharged into the waters.

Class C: Controlled Waters --waters into which:

(a) wastes are not to be discharged except as provided in respect of this classification,

(b) where sewerage is available, wastes which are of a type acceptable to the sewerage authority are not to be discharged otherwise than by way of a sewer,

(c) overflows from sewers, wastes pumping stations, treatment works or other parts of a sewerage system are not to be discharged into the waters except in accordance with approved conditions,

(d) organic wastes are not to be discharged unless they are so treated that the resulting effluent has:

(i) where the relative proportion of water to the wastes is 19:1 or more--a biochemical oxygen demand of not more than twenty milligrams per litre and a non-filtrable residue of not more than thirty milligrams per litre, or

(ii) where the relative proportion of water to the wastes is less than 19:1 and the oxygen content of any portion of the waters is, or is likely to be reduced as a result of the discharge to, less than 70 per cent of saturation during average dry weather conditions for the area in which the waters are located--such a lower biochemical oxygen demand and non-filtrable residue as may be approved,

(e) wastes are not to be discharged unless the concentration of plant nutrients in the wastes is controlled so as to prevent excessive plant growth in, abnormal variation

in dissolved oxygen or pH levels in, or degradation of the appearance of, the waters, (f) infectious wastes or wastes in which faecal coliforms are likely to be present, are not to be discharged unless:

- (i) the wastes are treated in an approved manner, and
 - (ii) in the case of waters likely to be used for bathing or recreational purposes--the faecal coliform density as determined in an approved manner after sampling at an approved location does not exceed 200 per 100 millilitres,
- (g) wastes are not to be discharged unless they are visually free of grease, oil, solids and unnatural discolouration and free of settleable matter,
- (h) wastes are not to be discharged into the waters if the resulting concentration of the wastes in the waters:
- (i) is or is likely to be harmful, whether directly or indirectly, to aquatic life or water-associated wildlife,
 - (ii) gives rise to or is likely to give rise to abnormal concentrations of the wastes in plants or animals, or
 - (iii) in the case of fresh waters, is likely to affect the use of the waters for human consumption, domestic or industrial purposes, watering of stock or the irrigation of land,
- (i) wastes containing a restricted substance are not to be discharged into the waters if the discharge would result in the concentration of that restricted substance in any part of the waters exceeding the concentration specified opposite that substance in Schedule 2,
- (j) wastes are not to be discharged into the waters if the pH value of the wastes is less than 6.5 or more than 8.5 or if the discharge induces a variation in the pH value of the waters of more than 0.5,
- (k) thermal wastes are not to be discharged into the waters except in approved cases and subject to approved conditions,
- (l) wastes are not to be discharged if the radioactivity level of the wastes exceeds by more than ten times the levels specified in Schedule 3 and the radioactivity level of the receiving waters beyond the approved zone is caused by that discharge to exceed the levels specified in that Schedule.

Class R: Restricted Waters --waters into which:

- (a) wastes are not to be discharged except as provided in respect of this classification,
- (b) where sewerage is available, wastes which are of a type acceptable to the sewerage authority are not to be discharged otherwise than by way of a sewer,
- (c) overflows from sewers, wastes pumping stations, treatment works or other parts of a sewerage system are not to be discharged except in accordance with approved conditions,
- (d) organic wastes are not to be discharged unless they are so treated that the resulting effluent has:
 - (i) where the relative proportion of the water to the wastes is 9:1 or more but not more than 19:1--a biochemical oxygen demand of not more than twenty milligrams per litre and a non-filtrable residue of not more than thirty milligrams per litre of such other biochemical oxygen demand or non-filtrable residue as may be approved,
 - (ii) where the relative proportion of water to the wastes is less than 9:1 and the oxygen content of any portion of the waters is, or is likely to be reduced as a result of the discharge to, less than 60 per cent of saturation during average dry weather conditions for the area in which the waters are located--such a lower biochemical oxygen demand and non-filtrable

residue as may be approved, or

(iii) where the relative proportion of water to the wastes is more than 19:1 and the oxygen content of the waters is, or is likely to be maintained after the discharge at, more than 75 per cent of saturation during average dry weather conditions for the area in which the waters are located--such a higher biochemical oxygen demand and non-filtrable residue as may be approved,

(e) infectious wastes or wastes in which faecal coliforms are likely to be present are not to be discharged unless:

(i) the wastes are treated in an approved manner, and

(ii) in the case of waters likely to be used for recreational purposes--the faecal coliform density as determined in an approved manner after sampling at an approved location does not exceed 1,000 per 100 millilitres as determined otherwise than during a period of rainfall run-off and within an approved period thereafter,

(f) wastes are not to be discharged unless they are visually free of grease, oil, solids and unnatural discolouration and free of settleable matter,

(g) wastes are not to be discharged if the resulting concentration of the wastes in the waters:

(i) is or is likely to be harmful, whether directly or indirectly, to aquatic life or water-associated wildlife,

(ii) gives rise to or is likely to give rise to abnormal concentrations of the wastes in plants or animals,

(iii) is likely to affect the subsequent use of those waters for watering stock or the irrigation of land, or

(iv) gives rise to or is likely to give rise to abnormal plant or animal growth,

(h) wastes containing a restricted substance are not to be discharged into the waters if the discharge would result in the concentration of that restricted substance in any part of the waters exceeding the concentration specified opposite that substance in Schedule 2,

(i) wastes are not to be discharged if the pH value of the wastes is less than 6.5 or more than 8.5 or if the discharge induces a variation in the pH value of the waters of more than 0.5,

(j) thermal wastes are not to be discharged except in approved cases and subject to approved conditions,

(k) wastes are not to be discharged if the radioactivity level of the wastes exceeds by more than ten times the levels specified in Schedule 3 and the radioactivity level of the receiving waters beyond the approved zone is caused by that discharge to exceed the levels specified in that Schedule.

Class O: Ocean Outfall Waters --waters into which:

(a) wastes are not to be discharged except as provided in respect of this classification,

(b) wastes are so discharged that the rate and volume or the nature and concentration thereof will not adversely affect beaches,

(c) wastes are to be so discharged that the maximum effect of the wastes on the waters shall be confined to an approved zone (in this classification referred to as the "**mixing zone**"),

(d) wastes are not to be discharged:

(i) unless the wastes are visually free from grease, oil and solids and free from settleable matter, and

(ii) where the pH value of the wastes is more than 8.5 or where the discharge induces a variation of more than 0.1 in the pH value of any waters

outside the mixing zone,
(e) wastes are not to be discharged if the resulting concentration of the wastes in the waters:

- (i) is or is likely to be harmful, whether directly or indirectly, to aquatic life or water-associated wildlife,
- (ii) gives rise to or is likely to give rise to abnormal concentrations of the wastes in plants or animals, or
- (iii) gives rise to or is likely to give rise to abnormal plant or animal growth.

Class U: Underground Protected Waters --waters into which:

wastes shall not be discharged unless the discharge is an approved discharge by reason of its not being likely to reduce the quality of the waters below an approved level.

9 Objections to classification of waters

For the purposes of section 13 (1) of the Act:

- (a) the prescribed manner is by making an objection in writing in or to the effect of Form 1 and lodging it with the Commission,
- (b) the prescribed time is within thirty days after the date on which the notice or the later of the notices referred to in section 12 is published as therein provided, and
- (c) the prescribed fee is \$50.

10 Exemption for certain protected waters

(1) Section 11 (3) of the Act in its application to the standard relating to protected waters made under that subsection and set out in paragraph (c) of the matter relating to Class P waters in Regulation 8, and that standard, do not apply to the discharge of overflows from outlets in sewers, wastes pumping stations, treatment works or other parts of a sewerage system servicing the urban areas set out in the Schedule to this clause, but only if:

- (a) the discharges are approved by the Authority, and
- (b) the discharges are in accordance with approved conditions.

Schedule

- (a) Clarence Town,
- (b) Dungog,
- (c) Picton,
- (d) Tahmoor,
- (e) Thirlmere,
- (f) Moss Vale,
- (g) Mittagong,
- (h) Bulahdelah,
- (i) Karuah,
- (j) Tanilba Bay,
- (k) Mallabula,
- (l) Lemon Tree Passage,
- (m) Silverdale,
- (n) Wallacia,
- (o) the Oaks,
- (p) Oakdale,
- (q) Belimbla Park,
- (r) Menangle,
- (s) Menangle Park,
- (t) Otford,
- (u) Medlow Bath,
- (v) those parts of Mount Victoria and Blackheath that became sewered after 7 July 2000.

(2) In determining whether to approve a discharge and the conditions to be approved, the Authority must consider the following matters:

- (a) the amount and frequency of the discharge concerned,
- (b) the practical measures that may be taken to prevent or reduce the discharge,
- (c) the likely impact of the discharge on the protected waters,
- (d) the impact on the environment of the approval or of not approving the discharge or conditions.

Parts 4, 5 – (Repealed)

Schedule 1 (Repealed)

Schedule 2 Restricted substances

| Column 1 | Column 2 | |
|-----------------------|---|----------------------------|
| Substance | Concentrations for purposes of Regulation 8 | |
| Arsenic | 0.05 | milligramm es per litre |
| Barium | 1.0 | milligramm es per litre |
| Boron* | 1.0 | milligramm es per litre |
| Cadmium | 0.01 | milligramm es per litre |
| Chloride* | 250 | milligramm es per litre |
| Chromium (hexavalent) | 0.05 | milligramm es per litre |
| Copper | 1.0 | milligramm es per litre |
| Cyanide | 0.05 | milligramm es per litre |
| Fluoride* | 1.5 | milligramm es per litre |
| Iron (filtrable) | 0.3 | milligramm es per litre |
| Lead | 0.05 | milligramm es per litre |

| | | |
|--|-------|----------------------------|
| Manganese (filtrable) | 0.05 | milligramm es per litre |
| Mercury | 0.001 | milligramm es per litre |
| Methylene blue active substances | 0.5 | milligramm es per litre |
| Nitrogen (ammonia) | 0.5 | milligramm es per litre |
| Nitrogen (nitrate plus nitrite) | 10.0 | milligramm es per litre |
| Pesticides (individual or total in group) | | |
| Endrin, chlordane, toxaphene | 0.001 | milligramm es per litre |
| Other organochlorides | 0.01 | milligramm es per litre |
| Organophosphates | 0.05 | milligramm es per litre |
| Carbamates | 0.1 | milligramm es per litre |
| Fluorinated hydrocarbons | 0.001 | milligramm es per litre |
| Substituted phenols and cresols | 0.001 | milligramm es per litre |
| Weedicides including 2,4-D (including salts and esters), 2,4,5-T (including salts and esters), Phenyl ureas, Triazines, Amides, Quaternary salts, Dipyridyls, Acrolein | 0.1 | milligramm es per litre |
| Phenolic compounds | 0.001 | milligramm es per litre |
| Selenium | 0.01 | milligramm es per litre |
| Silver | 0.05 | milligramm es per litre |
| Sulphate* | 250 | milligramm es per litre |
| Uranyl ion | 5.0 | milligramm |

| | | |
|------|-----|----------------------------|
| | | es per litre |
| Zinc | 5.0 | milligramm es per litre |

Schedule 3 Radioactive substances

Gross alpha activity: Not to exceed 3 picocuries per litre.

Gross beta activity: Not to exceed 30 picocuries per litre.

Form 1

STATE POLLUTION CONTROL COMMISSION

CLEAN WATERS ACT 1970

Objection to proposed Classification of Waters

Name of Objector and address for correspondence:

| |
|----------|
| |
| |
| |
| Postcode |

If payment has been made by cheque, this receipt is issued subject only to the cheque on account of which it is given being duly cleared.

| | |
|---|--|
| Received from the abovenamed the amount machine printed opposite with objection to proposed Classification of Waters under the <i>Clean Waters Act 1970</i> . | |
|---|--|

DO NOT DETACH

STATE POLLUTION CONTROL COMMISSION

CLEAN WATERS ACT 1970

Objection to proposed Classification of Waters

| | |
|---|-----------------------|
| Name of Objector and address for correspondence: | FOR OFFICIAL USE ONLY |
| | Fee: |
| | |
| Postcode | Date: |
| On behalf of (if applicable): | Checked: |
| | |
| | |
| | |
| Locality of the waters involved: | |
| | |
| | |
| Proposed classification as set out in notice in Gazette or Newspaper: | |

| | |
|---|--|
| | |
| Date of notice which appeared in Gazette/ Newspaper | |
| | |

I, pursuant to the provisions of subsection (1) of section 13 of the Clean Waters Act, object to the proposed classification of waters referred to above.

I enclose the prescribed fee of \$

The grounds for my objection to the proposed classification are as follows:

Official Position (if applicable)

Authorised on behalf of (if applicable)

Date

To: The Secretary,

State Pollution Control Commission.

Forms 2-8 – (Repealed)

Historical notes

The following abbreviations are used in the Historical notes:

| | | | | | |
|------|--------------------|------|-------------|---------|--------------|
| Am | amended | No | number | Schs | Schedules |
| Cl | clause | p | page | Sec | section |
| ClI | clauses | pp | pages | Secs | sections |
| Div | Division | Reg | Regulation | Subdiv | Subdivision |
| Divs | Divisions | Regs | Regulations | Subdivs | Subdivisions |
| GG | Government Gazette | Rep | repealed | Subst | substituted |
| Ins | inserted | Sch | Schedule | | |

Table of amending instruments *Clean Waters Regulations 1972* published in Gazette of 3.11.1972 and amended in Gazettes of 8.12.1972, 15.6.1973, 27.6.1975, 21.7.1978, 24.11.1978, 6.7.1979, 27.6.1980, 21.11.1980, 1.5.1981, 3.7.1981, 25.6.1982, 30.9.1983, 12.4.1985, 26.7.1985, 21.12.1990, 28.1.1994, 31.3.1994, No 38 of 27.2.1998, p 968 and No 178 of 24.12.1998, p 9984 and as follows: *Clean Waters Amendment Regulation 2000* (GG No 71 of 16.6.2000, p 4974)

| | | |
|------|-------|---|
| 2003 | No 38 | <i>Occupational Health and Safety Amendment (Dangerous Goods) Act 2003</i> . Assented to 22.7.2003. Date of commencement of Sch 2.1, 1.9.2005, sec 2 and GG No 110 of 1.9.2005, p 6395. |
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