

As in force at 1 October 2003.

South Australia

ENVIRONMENT PROTECTION (WATER QUALITY) POLICY 2003

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ENVIRONMENT PROTECTION (WATER QUALITY) POLICY 2003¹

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Contents

Part 1-Preliminary

1. Short title
2. Commencement
3. Interpretation
4. Application of policy
5. Revocation of other policies
6. Amendment of policy without following normal procedure (s. 32)

Part 2-Objects of policy

7. Objects

Part 3-Water quality objectives

8. Designation of protected environmental values (Schedule 1)
9. Water quality criteria (Schedule 2)
10. Water quality objectives

Part 4-Management and control of point source pollution

Division 1-General obligations

11. General obligation to avoid discharge etc. into waters
12. Obligation not to cause certain environmental harm
13. Obligation not to contravene water quality criteria (Schedule 2)
14. Exemption from water quality criteria in surface waters-mixing zones
15. Exemption from water quality criteria in underground water-attenuation zones
16. Obligation not to exceed discharge limits fixed by policy (Schedule 3)
17. Obligation not to discharge or deposit listed pollutants into waters or onto certain land (Schedule 4)
18. Wastewater storage lagoons
19. Obligation not to discharge listed pollutants or waste into bores, mine shafts etc. (Schedule 4)

Division 2-Additional obligations relating to particular activities

20. Application of Division
21. Abattoirs, slaughter houses and poultry processors
22. Antifoulants
23. Cattle feedlots
24. Composting works
25. Concrete batching works
26. Extractive industries
27. Fish processing works
28. Milking sheds
29. Milk processing works
30. Piggeries
31. Saleyards
32. Septic systems
33. Septic tank effluent disposal schemes
34. Sewerage systems and sewage treatment systems
35. Tanneries and fellmongeries
36. Vessels on inland waters-waste
37. Waste depots
38. Wineries and distilleries

4.

Part 5-Management and control of diffuse sources of pollution

- 39. Road construction and maintenance-stormwater
- 40. Building and construction industry-stormwater
- 41. Urban stormwater
- 42. Authority may issue environment protection order to give effect to code of practice under this Part
- 43. Matters to be taken into account by Authority

Part 6-Exemption conditions requiring monitoring and reporting

- 44. Exemption conditions requiring monitoring and reporting

Schedule 1-Protected environmental values (cl. 8)

Schedule 2-Water quality criteria (cl. 9 and 13)

Schedule 3-Discharge limits (cl. 16)

Schedule 4-Listed pollutants (cl. 17 and 19)

Schedule 5-Listed pollutants (cl. 18)

Part 1-Preliminary

Short title

1. This policy may be cited as the *Environment Protection (Water Quality) Policy 2003*.

Commencement

2. This policy will come into operation on a day to be fixed by the Governor by notice in the *Gazette*.

Interpretation

3. (1) In this policy-

"**Act**" means the *Environment Protection Act 1993*;

"**ANZECC**" means the Australian and New Zealand Environment and Conservation Council;

"**ARMCANZ**" means the Agriculture Resource Management Council of Australia and New Zealand;

"**clean stormwater**" means stormwater that is not contaminated stormwater;

"**contaminated stormwater**" means stormwater that is contaminated by a pollutant listed in Schedule 4 or any material that could be reasonably prevented from entering the pipes, gutters and other channels used to collect and convey the stormwater;

"**exemption**" means an exemption under Part 6 of the Act;

"**pollutant**" has the same meaning as in the Act, and includes waste;

"**protected environmental value**", in relation to waters or a particular body of water, means such of the following beneficial aspects or uses of water as are designated by this policy (see clause 9) in respect of those waters or that body of water for protection from pollution:

A. *Aquatic ecosystem-*

- (i) fresh water;
- (ii) marine water;

B. *Recreational water use and aesthetics-*

- (i) primary contact;
- (ii) secondary contact;
- (iii) aesthetics;

C. *Potable use;*

D. *Agricultural/aquaculture use-*

- (i) irrigation;
- (ii) stock watering;
- (iii) aquaculture;

E. *Industrial use;*

"**septic system**" means a system used on premises for the on-site collection,

6.

treatment and disposal of sewage generated at the premises, and includes a septic tank;

"stormwater" means rain or melted precipitation that runs off land or structures on land;

"surface waters" means-

- (a) marine waters; and
- (b) all other waters of the State other than underground water;

"underground water" means water occurring naturally, or stored, below ground level;

"vessel" means a boat, yacht, ship or other vessel capable of floating and being used on water;

"waste" has the same meaning as in the Act, and includes wastewater;

"waste management hierarchy"-see clause 7;

"wastewater" means waste principally consisting of water, and includes wash down water, cooling water, effluent, irrigation runoff and contaminated stormwater;

"wastewater management system" means a system designed and operated for the purpose of collecting and managing wastewater so as to minimise any adverse impacts of the wastewater on the environment;

"wastewater storage lagoon" means any dam, pond or lagoon constructed and used for the purpose of holding wastewater but does not include a sediment retention basin;

"watercourse" means any of the following (whether or not temporarily dry):

- (a) a river, creek or other natural watercourse (whether modified or not);
- (b) a dam or reservoir that collects water flowing in a watercourse;
- (c) a lake, wetland or other body of water through which water flows;
- (d) the Coorong;
- (e) an artificial channel;
- (f) a public stormwater disposal system;
- (g) part of a watercourse;

"water quality criteria", in relation to protecting a particular protected environmental value, means the maximum concentrations of certain substances permitted by this policy to be in water, or the minimum or maximum levels permitted for certain characteristics of water;

"water quality objectives"-see clause 10;

"waters" means waters to which this policy applies-see clause 4;

(2) For the purposes of this policy, a person discharges or deposits waste or a pollutant into waters or onto land if the person causes or allows the waste or pollutant to be discharged or deposited into the waters or onto the land or fails to prevent it from entering the waters or escaping onto the land (including by

7.

processes such as seepage or infiltration or carriage by wind, rain, sea spray or stormwater or by the rising of the water table).

(3) For the purposes of this policy, the discharge or deposit of waste or a pollutant into a watercourse that is temporarily dry will be regarded as the discharge or deposit of the waste or pollutant into waters.

(4) In this policy, the expression "**mandatory provision**" followed by a statement as to the category of offence is to be taken to signify that contravention of the provision at the foot of which the expression appears is, for the purposes of Part 5 of the Act, an offence of the category so stated.

NOTE: *Unless the contrary intention appears, terms used in this policy that are defined in the Act have the respective meanings assigned to those terms by the Act.*

Application of policy

4. (1) Subject to section 7 of the Act and this clause, this policy applies in relation to all surface waters and underground waters including the water within a public stormwater disposal system or irrigation drainage channel, but excluding-

- (a) water within the pipes and closed tanks of a water reticulation system; and
- (b) water within a sewage system or wastewater management system;
- (c) water within a closed tank constructed of or lined with material impervious to water; and
- (d) water within a private or public swimming pool.

(2) This policy does not apply to the discharge of clean stormwater into any waters.

(3) Except for Part 5, this policy does not apply to the ultimate discharge of stormwater from a public stormwater disposal system into any waters by a government or public authority responsible for the system.

(4) Nothing in this policy affects the operation of an environmental authorisation granted under the Act, or any authority or exemption given by or under any other Act or law, and in force immediately before the commencement of this policy.

Revocation of other policies

5. The following environment protection policies are revoked:

- (a) Environment Protection (Marine) Policy 1994 (see *Gazette* 27 October 1994 p. 1380);
- (b) Environment Protection (Milking Shed Effluent Management) Policy 1997 (see *Gazette* 29 May 1997 p. 2690);
- (c) Environment Protection (Vessels on Inland Waters) Policy 1998 (see *Gazette* 8 January 1998 p. 21).

Amendment of policy without following normal procedure (s. 32)

6. (1) The following provisions of this policy may be amended by the Minister, by notice in the *Gazette*, pursuant to section 32(1)(c) of the Act:

- (a) Division 2 of Part 4;
- (b) Part 5;
- (c) Table 2 of Schedule 1;

8.

- (d) Schedule 2;
- (e) Schedule 3;
- (f) Schedule 4;
- (g) Schedule 5.

(2) The kinds of changes that may be made to a provision by amendment under subclause (1) are as follows:

- (a) the provision may be substituted wholly or in part;
- (b) material may be varied or struck out from the provision;
- (c) material may be inserted into the provision.

(3) The Authority cannot make a recommendation to the Minister for amendment of any of the provisions referred to in subclause (1) unless-

- (a) a proposal for the amendment has been developed, taking into account, where relevant, the principles set out in the *Australian and New Zealand Guidelines for Fresh and Marine Water Quality 2000* prepared by ANZECC/ARMCANZ, as in force from time to time, or in any guidelines substituted for those guidelines; and
- (b) the proposal has been reduced to writing, clearly setting out the purpose and likely impact of and reasons for the proposed amendment; and
- (c) there have been consultations with relevant organisations and industries and the community likely to be affected by the proposed amendment; and
- (d) the views expressed by those consulted have been considered by the Authority and communicated to the Minister.

Part 2-Objects of policy

Objects

7. (1) The principal object of this policy is to achieve the sustainable management of waters, by protecting or enhancing water quality while allowing economic and social development.

(2) This policy more particularly seeks to-

- (a) focus water quality management on achieving water quality objectives that will protect or enhance the water quality values assigned by this policy to the various areas of water; and
- (b) ensure that pollution from both diffuse and point sources does not prejudice the achievement of those water quality objectives; and
- (c) ensure that waste management will be based on doing the following, in the following order of priority (the *waste management hierarchy*):
 - (i) avoiding the production of waste;
 - (ii) minimising, as far as reasonably practicable, the production of waste;
 - (iii) reusing waste;
 - (iv) recycling waste;
 - (v) recovering part of waste for re-use;
 - (vi) treating waste to reduce potentially degrading impacts;
 - (vii) disposing of waste in an environmentally sound manner,to the effect that, first, the production of waste should be avoided and, second, to the extent that avoidance is not reasonably achievable, the production of waste should, as far as reasonably practicable, be minimised, and so on; and
- (d) promote best practice environmental management; and
- (e) promote within the community environmental responsibility and involvement in environmental issues.

Part 3-Water quality objectives

Designation of protected environmental values (Schedule 1)

8. (1) Subject to this clause, the protected environmental values of the waters to which this policy applies are the values designated for those waters (by an "X") in Table 1 of Schedule 1.

(2) However, the protected environmental values of a particular body of water described or delineated in Table 2 of Schedule 1 are the values designated in respect of that body of water in that table.

Water quality criteria (Schedule 2)

9. (1) Subject to this clause, the water quality criteria for waters that have a protected environmental value are the criteria set out in Table 1 of Schedule 2 for waters with that value.

(2) However, the water quality criteria for a particular body of water described or delineated in Table 2 of Schedule 2 are the criteria designated in respect of that body of water in that table.

Water quality objectives

10. The water quality objectives for any particular waters will be achieved if the provisions of this policy relating to the water quality criteria applicable to those waters are complied with, so that the protected environmental values of those waters are safeguarded.

Part 4-Management and control of point source pollution

Division 1-General obligations

General obligation to avoid discharge etc. into waters

11. (1) A person who is undertaking an activity, or is an occupier of land, must take all reasonable and practicable measures (not being measures that themselves cause environmental harm) to avoid the discharge or deposit of waste from that activity or land-

- (a) into any waters; or
- (b) onto land in a place from which it is reasonably likely to enter any waters (including by processes such as seepage or infiltration or carriage by wind, rain, sea spray, or stormwater or by the rising of the water table),

and, in taking those measures, must apply the waste management hierarchy.

(2) If, after having complied with subclause (1), some waste is to be discharged or deposited, and may lawfully be discharged or deposited, by a person into waters or onto land referred to in subclause (1) (b), the person must take all reasonable and practicable measures to prevent or minimise any resulting environmental harm to waters.

(3) Subclause (2) does not derogate from any other provision of this policy.

Obligation not to cause certain environmental harm

12. A person must not, by discharging or depositing a pollutant into any waters, cause any of the following:

- (a) loss of seagrass or other native aquatic vegetation; or
- (b) a reduction in numbers of any native species of aquatic animal or insect; or
- (c) an increase in numbers of any non-native species of aquatic animal or insect; or
- (d) a reduction in numbers of aquatic organisms necessary to a healthy aquatic ecosystem; or
- (e) an increase in algal or aquatic plant growth; or
- (f) the water to become toxic to vegetation on land; or
- (g) the water to become harmful or offensive to humans, livestock or native animals; or
- (h) an increase in turbidity or sediment levels.

Mandatory provision: Category B offence.

Obligation not to contravene water quality criteria (Schedule 2)

13. (1) A person must not, by discharging or depositing a pollutant into any waters, cause any of the water quality criteria applicable (see Schedule 2) to those waters-

- (a) to be exceeded or, if already exceeded (whether through natural causes, the discharge or deposit of a pollutant or a combination of both), further exceeded; or
- (b) in the case of a minimum level specified in Schedule 2 in relation to a characteristic of water-to be decreased or, if already decreased (whether through natural causes, the discharge or deposit of a pollutant or a

12.

combination of both), further decreased.

Mandatory provision: Category B offence.

(2) In this clause-

"exceeded" or "decreased" means exceeded or decreased as measured by a method approved by the Authority.

(3) To avoid doubt, if zero constitutes a water quality criterion in Schedule 2 for a particular pollutant, the pollutant must not be detectable in the relevant waters when measured by a method approved by the Authority.

Exemption from water quality criteria in surface waters-mixing zones

14. (1) The Authority may only grant a person an exemption from clause 13 in respect of the discharge of waste into surface waters if the person satisfies the Authority that measures can be taken in accordance with subclause (2) to establish an area in the waters where the waste is discharged and mixed with the waters (a "mixing zone").

(2) The following requirements apply in relation to a mixing zone:

(a) the establishment of the zone must not-

- (i) pose a significant risk to aquaculture areas, potable water intakes or supplies or marine parks or other areas of water with a high conservation value; or
- (ii) be inconsistent with a plan adopted under Part 7 of the *Water Resources Act 1997*;

(b) the zone must not be situated within waters that-

- (i) are regularly used to a significant extent for primary contact recreation; or
- (ii) have significant value as a spawning or nursery area for aquatic organisms;

(c) in the case of marine waters (other than estuarine waters), the zone must-

- (i) have a radius not exceeding 100 metres; and
- (ii) not be within 200 metres of the mean low water mark of the coast at spring tides;

(d) in the case of other surface waters, the zone must have a radius not exceeding 20 metres;

(e) the zone's operation must-

- (i) be sustainable; and
- (ii) prevent or minimise the presence in or about the waters of objectionable matter or odours, or discolouration, as a result of the discharge; and
- (iii) not prejudice the water quality objectives for the waters outside the zone.

(3) If the Authority grants a person an exemption referred to in subclause (1), the Authority must, in addition to any other conditions that may be imposed, impose conditions of the exemption requiring the person to take the measures referred to in this clause.

Exemption from water quality criteria in underground water-attenuation zones

15. (1) The Authority may only grant a person an exemption from clause 13 in respect of the discharge of waste into underground waters if the person satisfies the Authority that measures can be taken in accordance with subclause (2) to establish an area in the waters where the waste is discharged and the concentration of pollutants is reduced by physico-chemical and microbiological processes (an "attenuation zone").

(2) The following requirements apply in relation to an attenuation zone:

- (a) the zone must not be situated wholly or partly within a water protection area within the meaning of Part 8 of the Act;
- (b) the zone must not extend beyond the boundaries of the land on which the waste is generated except with the consent of the landowners affected;
- (c) the aquifer must not have high permeability properties (eg. Karst rock or fractured rock aquifers);
- (d) the zone's operation must-
 - (i) be sustainable; and
 - (ii) not prejudice the water quality objectives for the waters outside the zone.

(3) If the Authority grants a person an exemption referred to in subclause (1), the Authority must, in addition to any other conditions that may be imposed, impose conditions of the exemption requiring the person-

- (a) to take the measures referred to in this clause; and
- (b) to take action in accordance with a contingency plan approved by the Authority if pollution from within the attenuation zone is detected outside the zone.

Obligation not to exceed discharge limits fixed by policy (Schedule 3)

16. (1) A person must not, in the course of undertaking an activity described in Schedule 3, discharge a pollutant listed in the Schedule into any waters, or a particular body of water described or delineated in the Schedule, at a rate or concentration level that exceeds the rate or concentration level specified by the Schedule in respect of that pollutant.

Mandatory provision: Category B offence.

(2) The Authority must not grant an exemption from subclause (1) if of the opinion that to do so would-

- (a) prejudice the water quality objectives for waters inside or outside the area of water to which the proposed exemption would apply; or
- (b) be inconsistent with a plan adopted under Part 7 of the *Water Resources Act 1997*.

Obligation not to discharge or deposit listed pollutants into waters or onto certain land (Schedule 4)

17. (1) A person must not discharge or deposit a pollutant listed in Part 1 of Schedule 4-

- (a) into any waters; or
- (b) onto land in a place from which it is reasonably likely to enter any waters

14.

(including by processes such as seepage or infiltration or carriage by wind, rain, sea spray or stormwater or by the rising of the water table).

Mandatory provision: Category B offence.

(2) Subclause (1) does not apply in relation to the lawful use of a pesticide or herbicide if the pesticide or herbicide is manufactured for use in relation to waters and is used at a concentration not exceeding a maximum concentration specified by the manufacturer or by law.

(3) A person must not discharge or deposit a pollutant listed in Part 2 of Schedule 4 into any waters.

Mandatory provision: Category B offence.

Wastewater storage lagoons

18. (1) In determining matters required to be determined by the Authority under Part 6 of the Act in relation to an environmental authorisation or an application for an environmental authorisation that involves the construction of a wastewater storage lagoon or an application for a development authorisation referred to the Authority under the *Development Act 1993* that involves the construction of a wastewater storage lagoon, the Authority must take into account the principle that the construction of wastewater storage lagoons should be avoided in the following locations:

- (a) within the flood plain known as the "1956 River Murray Flood Plain" or any flood plain that is subject to flooding that occurs, on average, more often than once in every 100 years;
- (b) within a water protection area within the meaning of Part 8 of the Act;
- (c) within 20 metres of a public road or road reserve;
- (d) within 50 metres of a bank of a watercourse;
- (e) within 200 metres of a residence built on land that is owned by some other person;
- (f) within 500 metres of the high water mark;
- (g) within an area where the base of the lagoon would be below any seasonal water table.

(2) A person must not store a pollutant listed in Schedule 5 in a wastewater storage lagoon located in-

- (a) the flood plain known as the "1956 River Murray Flood Plain"; or
- (b) a water protection area within the meaning of Part 8 of the Act.

Mandatory provision: Category B offence.

(3) A person who constructs a wastewater storage lagoon must comply with the following provisions:

- (a) the lagoon must be constructed so that polluted water in the lagoon cannot intercept with any underlying seasonal water table; and
- (b) in the case of a lagoon that is to be used for storage of wastewater that contains a pollutant listed in Schedule 5, the lagoon must-
 - (i) be constructed of or lined with an impervious material; or

15.

- (ii) be equipped with leak collection facilities that collect all leakages and return them to the lagoon or dispose of them in some other lawful manner;
- (c) in the case of a lagoon other than one to which paragraph (b) applies, the lagoon must be constructed of or lined with a barrier that minimises, as far as practicable, leakage from the lagoon;
- (d) a sufficient number of monitoring bores must be installed and properly placed so that the presence of any leakage can be readily ascertained;
- (e) the lagoon must be constructed so as not to be liable to inundation or damage from flood waters;
- (f) if there is any potential for the wastewater in the lagoon being a risk to the health of any animals, sufficient barriers to access to the lagoon by those animals must be installed.

Mandatory provision: Category B offence.

(4) A person who discharges wastewater into a lagoon to which subclause (3) applies must ensure that the lagoon is maintained in a condition that ensures ongoing compliance with the provisions set out in that subclause.

Mandatory provision: Category B offence.

(5) A person who discharges wastewater into a wastewater storage lagoon must not allow the water in the lagoon to reach a level that is less than 600 millimetres from the level of the maximum carrying capacity of the lagoon.

Mandatory provision: Category B offence.

Obligation not to discharge listed pollutants or waste into bores, mine shafts etc. (Schedule 4)

19. A person must not, after the first year of the operation of this policy, discharge or deposit a pollutant listed in Schedule 4 or any waste into a bore, mine shaft, quarry, well, infiltration basin or other similar structure or a naturally occurring sinkhole.

Mandatory provision: Category B offence.

Division 2-Additional obligations relating to particular activities

Application of Division

20. Obligations imposed by this Division are in addition to and do not derogate from obligations imposed by the other provisions of this policy.

Abattoirs, slaughter houses and poultry processors

21. (1) An operator of an abattoir, slaughter house or poultry processing works must ensure that-

- (a) the premises incorporate a wastewater management system; and
- (b) the system is effectively operating in respect of any wastewater generated at the premises while the premises are being used as an abattoir, slaughter house or poultry processing works; and
- (c) waste generated at the premises is not discharged-
 - (i) into any waters; or
 - (ii) onto land in a place from which it is reasonably likely to enter any waters (including by processes such as seepage or infiltration)

16.

or carriage by wind, rain, sea spray or stormwater or by the rising of the water table).

Mandatory provision: Category B offence.

(2) This clause will not apply until the expiry of the first year of the operation of this policy in relation to premises that were, immediately before the commencement of this policy, an abattoir, a slaughter house or a poultry processing works.

Antifoulants

22. (1) In this clause-

"antifoulant" means any chemical substance designed for application to water submerged surfaces to inhibit the growth of plants, animals or other organisms on those surfaces.

(2) If a person uses an antifoulant, the code titled *Code of Practice for Antifouling and In-water Hull Cleaning and Maintenance 1997* prepared by ANZECC applies.

(3) The Authority may issue an environment protection order to a person who uses an antifoulant to give effect to the code referred to in subclause (2).

(4) A person must, in using an antifoulant, or removing an antifoulant from any surface, comply with the following provisions:

(a) the only antifoulant containing tributyltin that may be used is one where the release rate of tributyltin from the antifoulant is less than 5 micrograms per square centimetre per day (as determined in accordance with a method approved by the Authority);

(b) an antifoulant containing tributyltin must not be used on a vessel that is less than 25 metres in length unless the hull of the vessel is made of aluminium;

(c) the cleaning of the hull of a vessel or the surface of any structure that has been coated with an antifoulant, or of any equipment contaminated with antifoulant, may only be carried out-

(i) in dry dock; or

(ii) above the high water mark of any waters; or

(iii) below the high water mark of any waters while the tide is out to such an extent that there is no tidal water coming into contact with the vessel, structure or equipment;

(d) antifoulant residues-

(i) must not enter any waters; and

(ii) must not come into contact with any land that is below the high water mark of any waters; and

(iii) must be collected and disposed of at a waste depot that is authorised under the Act to receive such waste.

Mandatory provision: Category B offence.

Cattle feedlots

23. (1) In this clause-

"cattle feedlot" means a confined yard or area in which cattle are held and are

17.

fed principally by mechanical means or by hand.

(2) An operator of a cattle feedlot must ensure that-

- (a) the premises incorporate a wastewater management system; and
- (b) the system is effectively operating in respect of any wastewater generated at the premises while the premises are being used as a cattle feedlot; and
- (c) waste generated at the premises is not discharged-
 - (i) into any waters; or
 - (ii) onto land in a place from which it is reasonably likely to enter any waters (including by processes such as seepage or infiltration or carriage by wind, rain, sea spray or stormwater or by the rising of the water table).

Mandatory provision: Category B offence.

(3) Subclause (2) will not apply until the expiry of the first year of the operation of this policy in relation to premises that were, immediately before the commencement of this policy, a cattle feedlot.

(4) The Authority must, in determining any matters under Part 6 of the Act in relation to a cattle feedlot, take into account the *Guidelines for Establishment and Operation of Cattle Feedlots in South Australia 1994* prepared by the Authority and Primary Industries SA.

Composting works

24. (1) In this clause-

"**composting works**" means works for the production of mushroom or other compost.

(2) An operator of composting works must ensure that-

- (a) the premises incorporate a wastewater management system; and
- (b) the system is effectively operating in respect of any wastewater generated at the premises while the premises are being used as composting works; and
- (c) waste generated at the premises is not discharged-
 - (i) into any waters; or
 - (ii) onto land in a place from which it is reasonably likely to enter any waters (including by processes such as seepage or infiltration or carriage by wind, rain, sea spray or stormwater or by the rising of the water table).

Mandatory provision: Category B offence.

(3) This clause will not apply until the expiry of the first year of the operation of this policy in relation to premises that were, immediately before the commencement of this policy, composting works.

Concrete batching works

25. (1) In this clause-

"**concrete batching works**" means works for the production of concrete or concrete products by the mixing of cement, sand, rock, aggregate or other similar materials.

18.

(2) An operator of concrete batching works must ensure that-

- (a) the premises incorporate a wastewater management system; and
- (b) the system is effectively operating in respect of any wastewater generated at the premises while the premises are being used as concrete batching works; and
- (c) waste generated at the premises is not discharged-
 - (i) into any waters; or
 - (ii) onto land in a place from which it is reasonably likely to enter any waters (including by processes such as seepage or infiltration or carriage by wind, rain, sea spray or stormwater or by the rising of the water table).

Mandatory provision: Category B offence.

(3) This clause will not apply until the expiry of the first year of the operation of this policy in relation to premises that were, immediately before the commencement of this policy, used for the purposes of concrete batching works.

Extractive industries

26. (1) In this clause-

"**extractive industry**" means operations involving extraction, or extraction and processing (by crushing, grinding, milling or separating into different sizes by sieving, air elutriation or in any other manner), of sand, gravel, stone, shell, shale, clay or soil, but does not include the removal of sand for the purposes of beach replenishment, or dredging.

(2) An operator of an extractive industry must ensure that stormwater that has been contaminated by extracted material on the premises has had as much material removed from it as is reasonably practicable before it is discharged into any waters.

Mandatory provision: Category B offence.

(3) This clause will not apply until the expiry of the first year of the operation of this policy in relation to premises that were, immediately before the commencement of this policy, used for the purposes of an extractive industry.

Fish processing works

27. (1) In this clause-

"**fish processing works**" means premises used for the purposes of scaling, gilling, gutting, filleting, freezing, chilling, packing or otherwise processing fish for sale, but excluding the processing of fish only in the course of a business of selling fish by retail;

"**premises**" includes a vessel.

(2) An operator of a fish processing works must ensure that-

- (a) the premises incorporate a wastewater management system; and
- (b) the system is effectively operating in respect of any wastewater generated at the premises while the premises are being used as a fish processing works; and
- (c) waste generated at the premises is not discharged-
 - (i) into any waters; or

- (ii) onto land in a place from which it is reasonably likely to enter any waters (including by processes such as seepage or infiltration or carriage by wind, rain, sea spray or stormwater or by the rising of the water table).

Mandatory provision: Category B offence.

(3) This clause will not apply until the expiry of the first year of the operation of this policy in relation to premises that were, immediately before the commencement of this policy, a fish processing works.

Milking sheds

28. (1) In this clause-

"**milking shed**" means any structure, whether roofed or not, at which operations for the milking of animals are carried on, including any associated yard areas in which animals are confined prior to or following milking.

(2) An operator of a milking shed must ensure that-

- (a) the premises incorporate a wastewater management system; and
- (b) the system is effectively operating in respect of any wastewater generated at the premises while the premises are being used as a milking shed; and
- (c) waste generated at the premises is not discharged-
 - (i) into any waters; or
 - (ii) onto land in a place from which it is reasonably likely to enter any waters (including by processes such as seepage or infiltration or carriage by wind, rain, sea spray or stormwater or by the rising of the water table).

Mandatory provision: Category B offence.

(3) If a person operates a milking shed, the code titled *Code of Practice for Milking Shed Effluent 2003* prepared by the Authority applies.

(4) The Authority may issue an environment protection order to a person who operates a milking shed to give effect to the code referred to in subclause (3).

Milk processing works

29. (1) In this clause-

"**milk processing works**" means premises used for the purposes of separating, evaporating or otherwise processing milk for the manufacture of evaporated or condensed milk, cheese, butter, ice cream or other similar dairy products.

(2) An operator of milk processing works must ensure that-

- (a) the premises incorporate a wastewater management system; and
- (b) the system is effectively operating in respect of any wastewater generated at the premises while the premises are being used as milk processing works; and
- (c) waste generated at the premises is not discharged-
 - (i) into any waters; or
 - (ii) onto land in a place from which it is reasonably likely to enter any waters (including by processes such as seepage or infiltration

20.

or carriage by wind, rain, sea spray or stormwater or by the rising of the water table).

Mandatory provision: Category B offence.

(3) This clause will not apply until the expiry of the first year of the operation of this policy in relation to premises that were, immediately before the commencement of this policy, milk processing works.

Piggeries

30. (1) In this clause-

"**piggery**" means premises consisting of confined or roofed structures used for the purposes of the keeping or husbandry of pigs.

(2) An operator of a piggery must ensure that-

- (a) the premises incorporate a wastewater management system; and
- (b) the system is effectively operating in respect of any wastewater generated at the premises while the premises are being used as a piggery; and
- (c) waste generated at the premises is not discharged-
 - (i) into any waters; or
 - (ii) onto land in a place from which it is reasonably likely to enter any waters (including by processes such as seepage or infiltration or carriage by wind, rain, sea spray or stormwater or by the rising of the water table).

Mandatory provision: Category B offence.

(3) Subclause (2) will not apply until the expiry of the first year of the operation of this policy in relation to premises that were, immediately before the commencement of this policy, a piggery.

(4) The Authority must, in determining any matters under Part 6 of the Act in relation to a piggery, take into account the *Development Guidelines for the Establishment of Intensive Piggeries in South Australia 1998* prepared by the Department for Primary Industries and Resources SA, the Authority, the South Australian Farmers' Federation and the Murraylands Regional Development Board.

Saleyards

31. (1) In this clause-

"**saleyard**" means a commercial yard at which cattle, sheep or other animals are gathered or confined for the purposes of their sale, auction or exchange, and includes associated transport loading facilities.

(2) An operator of a saleyard must ensure that-

- (a) the premises incorporate a wastewater management system; and
- (b) the system is effectively operating in respect of any wastewater generated at the premises while the premises are being used as a saleyard; and
- (c) waste generated at the premises is not discharged-
 - (i) into any waters; or
 - (ii) onto land in a place from which it is reasonably likely to enter any waters (including by processes such as seepage or infiltration

21.

or carriage by wind, rain, sea spray or stormwater or by the rising of the water table).

Mandatory provision: Category B offence.

(3) This clause will not apply until the expiry of the first year of the operation of this policy in relation to premises that were, immediately before the commencement of this policy, a saleyard.

Septic systems

32. (1) A person who owns or occupies premises at which a septic system is installed must ensure that waste from the septic system is not discharged-

- (a) into any waters; or
- (b) onto land in a place from which it is reasonably likely to enter any waters (including by processes such as seepage or infiltration or carriage by wind, rain, sea spray or stormwater or by the rising of the water table).

Mandatory provision: Category B offence.

(2) Subclause (1) does not apply in relation to-

- (a) the discharge into waters of wastewater that has been treated to ensure that the water quality objectives for those waters are not prejudiced at the point of discharge; or
- (b) the discharge onto land referred to in subclause (1) (b) of wastewater that has been treated to ensure that the water quality objectives for the waters into which the wastewater is reasonably likely to enter are not prejudiced at the point of entry.

(3) Subclause (1) will not apply until the expiry of the first year of the operation of this policy in relation to a septic system that was installed immediately before the commencement of this policy.

(4) If a person uses sludge collected from a septic system, the *South Australian Biosolids Guidelines for the Safe Handling, Reuse or Disposal of Biosolids 1998* prepared by the Authority apply.

(5) The Authority may issue an environment protection order to a person who uses sludge collected from a septic system to give effect to the guidelines referred to in subclause (4).

Septic tank effluent disposal schemes

33. (1) In this clause-
"septic tank effluent disposal scheme" means a scheme for the collection and disposal of waste from septic systems.

(2) An operator of a septic tank effluent disposal scheme must ensure that waste from septic systems collected or stored by the operator is not discharged-

- (a) into any waters; or
- (b) onto land in a place from which it is reasonably likely to enter any waters (including by processes such as seepage or infiltration or carriage by wind, rain, sea spray or stormwater or by the rising of the water table).

Mandatory provision: Category B offence.

(3) Subclause (2) does not apply in relation to-

- (a) the discharge into waters of wastewater that has been treated to ensure

that the water quality objectives for those waters are not prejudiced at the point of discharge; or

- (b) the discharge onto land referred to in subclause (2) (b) of wastewater that has been treated to ensure that the water quality objectives for the waters into which the wastewater is reasonably likely to enter are not prejudiced at the point of entry.

(4) Subclause (2) will not apply until the expiry of the first year of the operation of this policy in relation to a scheme that was operating immediately before the commencement of this policy.

(5) If a person supplies wastewater collected from septic systems under a septic tank effluent disposal scheme for reuse, or reuses such wastewater, the *South Australian Reclaimed Water Guidelines 1999* prepared by the Department of Human Services and the Environment Protection Agency apply.

(6) If a person supplies sludge collected from septic systems under a septic tank effluent disposal scheme for reuse, or reuses any such sludge, the *South Australian Biosolids Guidelines for the Safe Handling, Reuse or Disposal of Biosolids 1996* prepared by the Authority apply.

(7) The Authority may issue an environment protection order to a person who undertakes an activity referred to in subclause (5) or (6) to give effect to the guidelines referred to in the subclause.

Sewerage systems and sewage treatment systems

34. (1) An operator of a sewerage system or sewage treatment system must ensure that untreated matter conveyed by the system or wastewater generated by the system is not discharged-

- (a) into any waters; or
- (b) onto land in a place from which it is reasonably likely to enter any waters (including by processes such as seepage or infiltration or carriage by wind, rain, sea spray or stormwater or by the rising of the water table).

Mandatory provision: Category B offence.

(2) Subclause (1) does not apply in relation to-

- (a) the discharge into waters of wastewater that has been treated to ensure that the water quality objectives for those waters are not prejudiced at the point of discharge; or
- (b) the discharge onto land referred to in subclause (1) (b) of wastewater that has been treated to ensure that the water quality objectives for the waters into which the wastewater is reasonably likely to enter are not prejudiced at the point of entry.

(3) Subclause (1) will not apply until the expiry of the first year of the operation of this policy in relation to a sewerage system that was operating immediately before the commencement of this policy.

(4) If a person supplies wastewater collected from a sewage treatment system for reuse, or reuses such wastewater, the *South Australian Reclaimed Water Guidelines 1999* prepared by the Department of Human Services and the Environment Protection Agency apply.

(5) If a person supplies sludge collected from a sewage treatment system for reuse, or reuses any such sludge, the *South Australian Biosolids Guidelines for the Safe Handling, Reuse or Disposal of Biosolids 1996* prepared by the Authority apply.

(6) The Authority may issue an environment protection order to a person who undertakes an activity referred to in subclause (4) or (5) to give effect to the guidelines referred to in the subclause.

Tanneries and fellmongeries

35. (1) In this clause-

"**tannery or fellmongery**" means works for the commercial preservation or treatment of animal skins or hides, but excluding-

(a) the processing of skins or hides by primary producers in the course of primary production activities outside township areas; and

(b) the processing of skins or hides in the course of taxidermy.

(2) An operator of a tannery or fellmongery must ensure that-

(a) the premises incorporate a wastewater management system; and

(b) the system is effectively operating in respect of any wastewater generated at the premises while the premises are being used as a tannery or fellmongery; and

(c) waste generated at the premises is not discharged-

(i) into any waters; or

(ii) onto land in a place from which it is reasonably likely to enter any waters (including by processes such as seepage or infiltration or carriage by wind, rain, sea spray or stormwater or by the rising of the water table).

Mandatory provision: Category B offence.

(3) This clause will not apply until the expiry of the first year of the operation of this policy in relation to premises that were, immediately before the commencement of this policy, a tannery or fellmongery.

Vessels on inland waters-waste

36. (1) In this clause-

"**grey water**" means water used in washing, laundering, bathing or showering;

"**inland waters**" means the surface waters of the State that are not marine waters, but includes the Coorong.

(2) The owner, or the person in charge, of a vessel must ensure that, while the vessel is on inland waters, all waste produced on or brought onto the vessel is stored on the vessel in a container from which it cannot escape.

Mandatory provision: Category B offence.

(3) Subclause (2) does not prevent the discharge into waters of grey water that has been treated to ensure that the water quality objectives for those waters are not prejudiced at the point of discharge.

(4) Subclause (2) will not apply in relation to grey water until a day to be fixed by the Minister by notice in the *Gazette*.

(5) It will not be necessary in any proceedings for an offence against subclause (2) to prove that waste actually escaped from a container.

(6) The code titled *Code of Practice for Vessels on Inland Waters 2003* prepared by the Authority applies in relation to vessels on inland waters.

(7) The Authority may issue an environment protection order to the owner or person in charge of a vessel on inland waters to give effect to the code referred to in subclause (6).

Waste depots

37. (1) In this clause-

"**waste depot**" means premises used for the reception, storage, treatment or disposal of waste, and includes a landfill depot.

(2) An operator of a waste depot must not discharge waste deposited or generated at the depot-

- (a) into any waters; or
- (b) onto land in a place from which it is reasonably likely to enter any waters (including by processes such as seepage or infiltration or carriage by wind, rain, sea spray or stormwater or by the rising of the water table).

Mandatory provision: Category B offence.

(3) Subclause (2) will not apply until the expiry of the first year of the operation of this policy in relation to premises that were, immediately before the commencement of this policy, a waste depot.

(4) The Authority must, in determining any matters under Part 6 of the Act in relation to a waste depot, take into account the *Guidelines for Major Solid Waste Landfill Depots 1998* prepared by the Environment Protection Agency.

Wineries and distilleries

38. (1) In this clause-

"**winery or distillery**" means premises used for the purposes of processing grapes or other produce to make wine or spirits, but excludes works for bottling only.

(2) An operator of a winery or distillery must ensure that-

- (a) the premises incorporate a wastewater management system; and
- (b) the system is effectively operating in respect of any wastewater generated at the premises while the premises are being used as a winery or distillery; and
- (c) waste generated at the premises is not discharged-
 - (i) into any waters; or
 - (ii) onto land in a place from which it is reasonably likely to enter any waters (including by processes such as seepage or infiltration or carriage by wind, rain, sea spray or stormwater or by the rising of the water table).

Mandatory provision: Category B offence.

(3) This clause will not apply until the expiry of the first year of the operation of this policy in relation to premises that were, immediately before the commencement of this policy, a winery or a distillery.

Part 5-Management and control of diffuse sources of pollution

Road construction and maintenance-stormwater

39. If an authority constructs or maintains a public road, the code titled the *Stormwater Pollution Prevention Code of Practice for Local, State and Federal Government 1997* prepared by the Authority applies.

Building and construction industry-stormwater

40. If a person undertakes a building or construction activity described in the *Stormwater Pollution Prevention Code of Practice for the Building and Construction Industry 1998* prepared by the Authority, that code applies.

Urban stormwater

41. If an authority undertakes the management of a stormwater system, or a part of such a system, the code titled *Stormwater Pollution Prevention General Code of Practice for Local, State and Federal Government 1997* prepared by the Authority applies.

**

Authority may issue environment protection order to give effect to code of practice under this Part

42. The Authority may issue an environment protection order to a person who undertakes an activity referred to in this Part to give effect to the code that applies to the activity.

Matters to be taken into account by Authority

43. In determining any matters under Part 6 of the Act in relation to an activity or development, the Authority must-

- (a) take into account the potential of the activity or development to cause pollution of any waters through soil erosion, stormwater runoff or infiltration of pollutants through the soil; and
- (b) consider the requirements that should, in the event of an authorisation being granted, be imposed on all relevant persons for the purposes of preventing or minimising the pollution or its harmful effects,

and in imposing any such requirements, the Authority must take into account the *Stormwater Pollution Prevention Code of Practice for the Building and Construction Industry 1998* prepared by the Authority.

Part 6-Exemption conditions requiring monitoring and reporting

Exemption conditions requiring monitoring and reporting

44. (1) In granting an exemption to a person from a provision of this policy relating to the discharge of waste or pollutants into waters, the Authority must, in addition to any other conditions on which the exemption is granted, attach a condition that provides for a monitoring and reporting program to be carried out by the person.

(2) The Authority may, as part of a monitoring and reporting program, require the person undertaking the program to have the program independently checked and verified at regular intervals and to make the results of those checks available to the Authority.

Schedule 1-Protected environmental values (cl. 8)**Definitions**

In this Schedule and Schedule 2-

"**aesthetics**", in relation to any waters, means the naturally occurring colour, smell, clarity and general appearance of the waters;

"**primary contact**", in relation to any waters, means use of the waters for recreational activities involving immersion of the body in the water (eg, swimming, diving, surfing and water skiing);

"**secondary contact**", in relation to any waters, means use of the waters for recreational activities involving some contact with the water, but not generally bodily immersion (eg, wading, boating and fishing).

Table 1

Water body	Aquatic ecosystem		Recreation & aesthetics			Potable	Agriculture/aquaculture			Industrial
	fresh	marine	primary contact	secondary contact	aesthetics		irrigation	livestock	aquaculture	
Marine waters	-	X	X	X	X	-	-	-	X	X
Inland surface waters	X	-	X	X	X	X	X	X	X	X
Underground waters	X	-	X	-	X	X	X	X	X	X

Table 2

Protected Environmental Values for Particular Bodies of Water

Schedule 2-Water quality criteria (cl. 9 and 13)

Table 1
General Criteria

NOTE: ù All pollutant quantities listed below are in milligrams per litre (mg/L) unless otherwise indicated and are maxima.

POLLUTANTS (Clause 13(1)(a))	Protected environmental values									
	Aquatic ecosystem		Potable	Recreation & aesthetics			Agriculture/aquaculture			Industrial
	fresh	marine		primary contact	secondary contact	aesthetics	irrigation	livestock	aquaculture	
Metal pollutants:										
aluminium (soluble *)	0.1						1	5		
antimony (total)	0.03	0.5	0.003							
arsenic (total)	0.05	0.05	0.007				0.1	0.5	0.02	
barium			0.7							
beryllium (total)	0.004						0.1	0.1	0.0001	
boron (total)			0.3				1	5		
cadmium (total)	0.002	0.002	0.002				0.01	0.01		
chromium (total)							1	1	0.02	
chromium VI	0.001	0.0044	0.05							
cobalt (total)							0.05	1		
copper (total)	0.01	0.01	2				0.2	0.5		
iron (total)	1						1			
lead (total)	0.005	0.005	0.01				0.2	0.1		
lithium (total)							2.5			
manganese (total)			0.5				2		0.1	
mercury (total)	0.0001	0.0001	0.001				0.002	0.002	0.0005	
molybdenum (total)			0.05				0.01	0.01		
nickel (total)	0.15	0.015	0.02				0.2	1	0.1	
selenium (total)	0.005	0.07	0.01				0.02	0.02		
silver (total)	0.0001	0.001	0.1							
thallium (total)	0.004	0.02								
uranium (total)			0.02				0.01	0.2		
vanadium (total)							0.1	0.1		
zinc (total)	0.05	0.05					2	20	0.005	
Inorganic pollutants:										
ammonia (total as nitrogen)	0.5	0.2								
ammonia (NH ₃ as nitrogen)	0.01	0.05								
Biochemical Oxygen Demand (5-day test)	10	10								
chlorine (total)	0.003	0.0075								
colour (Hazen units)	30	15								
cyanide (total)			0.08							
iodide			0.1							

tributyltins	0.00008	0.00002	0.001						
Plasticisers									
di(2-ethylhexyl) phthalate			0.01						
Other organic pollutants									
acrylamide			0.0002						
benzene	0.3	0.3	0.001					0.04	
carbon tetrachloride			0.003						
1,2-dichloroethane			0.003						
1,1-dichloroethene			0.03						
1,2-dichloroethene			0.06						
dichloromethane			0.004						
epichlorohydrin			0.0005						
ethylbenzene			0.3						
ethylenediamine tetraacetic acid			0.25						
hexachlorobutadiene			0.0007						
nitrilotriacetic acid			0.2						
pesticides	0	0	0						
polyaromatic hydrocarbons (PAHs)	0.003	0.003	0.00001						
phenol	0.05	0.05							
polychlorinated biphenyls (PCBs)	0.000001	0.000004						0.0005	
styrene			0.03						
2,3,7,8 tetra-chlorodibenzodioxin (2378 TCDD)	0	0	0						
tetrachloroethene			0.04						
toluene	0.3		0.8						
vinyl chloride			0.0003						
xylene			0.6						
Microbiological pollutants (organisms per 100 millilitres):									
faecal coliforms or <i>E.coli</i>			0	150	1000		1000	1000	0
Enterococci				33					
CHARACTERISTICS (Clause 13(1)(b))									
oxygen (dissolved)	>6	>6							
pH (pH units)	between 6.5-9		between 6.5-8.5				between 4.5-9		

* Soluble means fully dissolved or filterable through a 0.1 micron filter.

* Zero means that the pollutant must not be detectable when measured by a method approved by the Authority.

31.

Table 2

Criteria for particular bodies of water

Schedule 3-Discharge limits (cl. 16)

Schedule 4-Listed pollutants (cl. 17 and 19)

Part 1

Agricultural chemicals
 Airconditioning or cooling system wastewater
 Brick, bitumen or concrete cutting wastewater
 Building construction or demolition waste
 Building washwater
 Carpet or upholstery cleaning waste
 Chemicals designed for human or animal therapeutic use
 Cleaning agents
 Concrete waste
 Condensate from compressors
 Detergents and their byproducts
 Engine coolant
 Fire sprinkler test water
 Fuel dispensing area washwater
 Hard waste (eg, vehicles, tyres, batteries, metal parts, piping)
 High pressure water blasting waste
 Motor vehicle servicing or repairs waste
 Oil, grease or lubricants
 Paint and paint scrapings
 Painting washwater
 Paint stripping waste
 Petroleum products
 Photographic chemicals
 Plaster, plaster waste and plaster wastewater
 Pool backwash water
 Pool chemicals
 Putrescible waste (eg, food scraps, dead animals)
 Roof cleaning waste
 Rubbish (eg, cans, bottles, plastic items or materials)
 Sawdust
 Sewage
 Solvents
 Stain or varnish
 Steam cleaning waste
 Street cleaning waste
 Timber preservatives
 Washdown water from cleaning animals or animal enclosures
 Washdown water from cleaning vehicles, plant or equipment
 Washdown water from commercial or industrial premises or wharves
 Waste from grease traps
 Wastes listed in Part B of Schedule 1 of the Act

Part 2

Animal faeces
 Fertilisers
 Green waste (eg, lawn clippings, leaves, prunings)
 Soil, clay, gravel or sand

Schedule 5-Listed pollutants (cl. 18)

Oil or petroleum products
Paint or paint products
Sewage
Timber preservatives
Wastes listed in Part B of Schedule 1 of the Act