

South Australia

Environment Protection (Water Quality) Policy 2015

under the *Environment Protection Act 1993*

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Part 1—Preliminary

1—Short title

This policy may be cited as the *Environment Protection (Water Quality) Policy 2015*.

3—Interpretation

- (1) In this policy, unless the contrary intention appears—

Act means the *Environment Protection Act 1993*;

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;

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

aquaculture licence has the same meaning as in the *Aquaculture Act 2001*;

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

cavity in land includes a bore, mine shaft, well, infiltration basin and other similar structure and a naturally occurring sinkhole;

class 1 pollutant means a pollutant listed in Schedule 2;

class 2 pollutant means a pollutant listed in Schedule 3;

composting works has the same meaning as in the Act Schedule 1 Part A clause 3(2)(a);

contaminated stormwater means stormwater that is contaminated by a class 1 pollutant, a class 2 pollutant or any material that could be reasonably prevented from entering the pipes, gutters and other channels used to collect and convey the stormwater;

Coorong means the area of water separated from the Lower Murray, and from Lake Alexandrina, by the Goolwa, Mundoo, Boundary Creek, Ewe Island and Tauwitchere Barrages, and separated from the ocean by Sir Richard Peninsula and Youngusband Peninsula, and by the geodesic from the location on mean high water springs closest to the mouth of the River Murray on the northern side of the headland of Sir Richard Peninsula to the location on mean high water springs closest to the northern side of the headland of Youngusband Peninsula;

discharge waste or a pollutant includes deposit the waste or pollutant or dispose of the waste or pollutant;

discharge waste or a pollutant into waters or onto land—see subclause (2);

environmental values of waters—see clause 6;

hazardous waste means listed waste having a characteristic described in Schedule 2 of the *Environment Protection (Movement of Controlled Waste) Policy 2014*;

human wastewater means human waste either alone or in combination with water;

inland waters means waters of the State other than marine waters;

Lake Albert and Lake Alexandrina means the waters of Lake Albert and Lake Alexandrina downstream from a line joining the upstream sides of the landings used by the ferry at Wellington closest to 35°19'52.53" South, 139°23'04.30" East, and separated from the Coorong by land and by the Goolwa, Mundoo, Boundary Creek, Ewe Island and Tauwitchere Barrages and including those waters of the Finnis River and Currency Creek situated upstream from Lake Alexandrina to the southernmost side of the first road bridge by which they are each crossed;

landfill depot has the same meaning as in the Act Schedule 1 Part A clause 3(3)(a);

liquid waste has the same meaning as in the Act Schedule 1 Part AA;

listed waste means a substance or thing listed in Schedule 1 Part B of the Act;

mandatory provision—see subclause (4);

MAR scheme means a scheme in which water is injected or otherwise purposely transferred into an aquifer for the purpose of environmental benefit or storage and subsequent recovery;

Note—

MAR stands for Managed Aquifer Recharge.

medical sharps has the same meaning as in the Act Schedule 1 Part AA;

medical waste has the same meaning as in the Act Schedule 1 Part AA;

public stormwater system means any equipment or infrastructure for collecting, treating or conveying stormwater for the purposes of stormwater management, or flood mitigation, conducted by a public authority, and includes catchment management equipment and infrastructure;

salt interception scheme means a scheme conducted by a public authority involving pumping and drainage of underground waters for the purpose of intercepting and avoiding saline water flows into those waters;

septic system means a system used on premises for the on-site collection, treatment and disposal of sewage generated at the premises, and includes a septic tank;

sewerage infrastructure has the same meaning as in the *Water Industry Act 2012*;

sinkhole means a surface depression caused by a collapse of soil or overlying formation above fractured or cavernous bedrock;

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

surface waters means waters other than underground waters;

trigger value—see clause 7;

underground waters means waters occurring naturally under the ground or introduced to an aquifer or other area under the ground;

vessel facility means a facility for the mooring, berthing, securing, storage, construction, repair or maintenance of a vessel and includes a marina, pontoon, jetty, wharf, boat ramp, slipway and boat yard;

waste depot has the same meaning as in section 113 of the Act;

wastewater means waste principally consisting of water and includes—

- (a) human wastewater;
- (b) sewage;
- (c) water containing food or beverage waste;
- (d) wash down water or cooling water;
- (e) irrigation runoff or contaminated stormwater;
- (f) water containing any other trade or industrial waste;
- (g) any other water that has been used in any form of human activity;
- (h) a combination of any of the above;

wastewater lagoon means—

- (a) a sedimentation or detention basin; or
- (b) an artificial wetland; or
- (c) a leachate pond (containing leachate from composting works or a landfill depot); or
- (d) a tailings dam; or
- (e) any other dam, pond or lagoon constructed and used for the purpose of holding wastewater;

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;

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

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

and includes part of a watercourse;

Water Quality Guidelines means the *Australian and New Zealand Guidelines for Fresh and Marine Water Quality 2000* prepared by ANZECC and ARMCANZ, as in force at the commencement of this policy;

waters means waters to which this policy applies (see clause 8).

- (2) For the purposes of this policy, the following applies in relation to the meaning of *discharge waste or a pollutant into waters or onto land*:
- (a) a person discharges waste or a pollutant into waters or onto land if the person causes or allows the waste or pollutant to be discharged into the waters or onto the land or fails to prevent it from entering the waters or escaping onto the land (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);
 - (b) waste or a pollutant will be taken to have been discharged onto land if it is discharged into a quarry or a cavity in land;
 - (c) the discharge of waste or a pollutant into a watercourse that is temporarily dry will be regarded as the discharge of the waste or pollutant into waters.
- (3) For the purposes of the descriptions of waters in this policy, unless the contrary intention appears, all lines are geodesics based on the *Geocentric Datum of Australia 1994 (GDA94)* as defined in the Commonwealth of Australia Gazette GN35 of 6 September 1995 and all co-ordinates are expressed in terms of GDA94.
- (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.

5—Environmental harm

For the purposes of section 5(1)(b) of the Act, each of the following is declared to constitute environmental harm in relation to waters:

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

6—Environmental values of waters

- (1) For the purposes of this policy, waters may have 1 or more of the following environmental values:
- (a) aquatic ecosystems;

- (b) recreation and aesthetics;
 - (c) drinking water for human consumption;
 - (d) primary industries—irrigation and general water uses;
 - (e) primary industries—livestock drinking water;
 - (f) primary industries—aquaculture and human consumption of aquatic foods.
- (2) The environmental values of waters are set out in Schedule 1.

7—Activation of trigger values

For the purposes of this policy, a trigger value for waters is activated if—

- (a) in the case of waters with an environmental value of aquatic ecosystems—a trigger value for an indicator specified in Chapter 3 of the Water Quality Guidelines—
 - (i) has been reached or exceeded for a chemical substance or a characteristic; or
 - (ii) in the case of a minimum level specified for a characteristic, has not been reached,in respect of the waters when assessed against Chapter 3 of the Water Quality Guidelines (and any other provisions of those guidelines that assist in the interpretation and construction of Chapter 3) on the basis of a 95% level of protection of species; or
- (b) in the case of waters with an environmental value of primary industries—irrigation and general water uses—a trigger value for an indicator specified in Chapter 4.2 of the Water Quality Guidelines—
 - (i) has been reached or exceeded for a chemical substance or a characteristic; or
 - (ii) in the case of a minimum level specified for a characteristic, has not been reached,in respect of the waters when assessed against Chapter 4.2 of the Water Quality Guidelines (and any other provisions of those guidelines that assist in the interpretation and construction of Chapter 4.2), applying, if there are long term and short term trigger values for an indicator, the long term trigger value; or
- (c) in the case of waters with an environmental value of primary industries—livestock drinking water—a trigger value for an indicator specified in Chapter 4.3 of the Water Quality Guidelines—
 - (i) has been reached or exceeded for a chemical substance or a characteristic; or
 - (ii) in the case of a minimum level specified for a characteristic, has not been reached,in respect of the waters when assessed against Chapter 4.3 of the Water Quality Guidelines (and any other provisions of those guidelines that assist in the interpretation and construction of Chapter 4.3); or

- (d) in the case of waters with an environmental value of primary industries—aquaculture and human consumption of aquatic foods—a guideline value for an indicator specified in Chapter 4.4 of the Water Quality Guidelines—
- (i) has been reached or exceeded for a chemical substance or a characteristic; or
 - (ii) in the case of a minimum level specified for a characteristic, has not been reached,
- in respect of the waters when assessed against Chapter 4.4 of the Water Quality Guidelines (and any other provisions of those guidelines that assist in the interpretation and construction of Chapter 4.4).

8—Application of policy

- (1) This policy applies in relation to all surface and underground waters (whether or not on or below private land) including the water within a public stormwater system or an irrigation drainage channel, but excluding—
 - (a) water within the pipes and closed tanks of a water reticulation system or salt interception scheme; and
 - (b) water within sewerage infrastructure or any other wastewater management system; and
 - (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 in relation to the discharge of uncontaminated stormwater into any waters or 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).
- (3) Except for clause 9(e) and (f) (and Schedule 4) and Part 2 Division 3, and subject to an environmental authorisation held by a public authority relating to a prescribed activity of environmental significance referred to in Schedule 1, Part A, clause 4(2) of the Act (Discharge of Stormwater to Underground Aquifers), this policy does not apply in relation to the ultimate discharge of stormwater from a public stormwater system by a public authority responsible for the system into any waters or 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).
- (4) Nothing in this policy affects the operation of an authority or exemption given by or under any Act or law (other than the *Environment Protection Act 1993*) and in force immediately before the commencement of this policy.
- (5) If, immediately before the commencement of this policy, a prescribed activity of environmental significance was being lawfully undertaken by a person in a manner that would contravene a provision of this policy, that provision will not apply in relation to the activity so undertaken until the expiry of the second year of operation of this policy.

- (6) In this clause—

uncontaminated stormwater means stormwater other than contaminated stormwater.

Part 2—Water quality measures

Note—

Compliance with the measures in Divisions 1 and 2 may be enforced by the issue of environment protection orders.

Division 1—General environmental duty

9—General environmental duty (section 25 of Act)

The provisions that a person must comply with in taking all reasonable and practicable measures to prevent or minimise environmental harm resulting from undertaking an activity that pollutes or might pollute waters (in compliance with the general environmental duty) include, but are not limited to, the following:

- (a) the person must apply the waste management hierarchy;
- (b) in the case of waters with an environmental value of aquatic ecosystems or primary industries—the person must avoid activating a trigger value for the waters;
- (c) in the case of waters with an environmental value of recreation and aesthetics—the person must have regard to the *Guidelines for Managing Risks in Recreational Water 2008* prepared by the National Health and Medical Research Council as in force from time to time;
- (d) in the case of waters with an environmental value of drinking water for human consumption—the person must have regard to the *Australian Drinking Water Guidelines 2011* prepared by the National Health and Medical Research Council as in force from time to time;
- (e) if the codes, standards, guidelines or other document prescribed in Schedule 4 contemplate measures that are expressed as mandatory in relation to the activity—the person must comply with those measures;
- (f) if the codes, standards, guidelines or other document prescribed in Schedule 4 contemplate measures that are not expressed as mandatory but are expressed as recommendations in relation to the activity—the person must have regard to those measures.

Division 2—Offences

10—Class 1 pollutants

- (1) A person must not discharge a class 1 pollutant into any waters or 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) Nothing in subclause (1) prevents—
- (a) the lawful use of a pesticide or herbicide that has been manufactured for use in relation to waters provided it is used at a rate, concentration or level not exceeding a maximum rate, concentration or level specified by the manufacturer or by law; or
 - (b) the use by the holder of an aquaculture licence of a substance designed for therapeutic or prophylactic use for aquatic organisms in accordance with the *Aquaculture Regulations 2005*.
- (3) Subclause (1) does not apply in relation to—
- (a) the discharge of wastewater or liquid waste by the holder of an environmental authorisation in accordance with the authorisation; or
 - (b) the discharge of a class 1 pollutant to the extent that the pollutant may be lawfully discharged under a subsequent provision of this Division.

11—Class 2 pollutants

- (1) A person must not discharge a class 2 pollutant into any waters or a cavity in land.
Mandatory provision: Category B offence.
- (2) Subclause (1) does not apply in relation to—
- (a) any prescribed activity of environmental significance carried on by the holder of an environmental authorisation in accordance with the authorisation; or
 - (b) the discharge into waters of faeces from aquatic organisms by the holder of an aquaculture licence acting in accordance with the licence; or
 - (c) the incidental discharge into waters of a class 2 pollutant in the course of environmental watering carried out under—
 - (i) the *Murray-Darling Basin Act 2008*; or
 - (ii) the *Natural Resources Management Act 2004*; or
 - (iii) the *River Murray Act 2003*; or
 - (iv) the *Water Act 2007* of the Commonwealth; or
 - (d) the discharge of a class 2 pollutant to the extent that the pollutant may be lawfully discharged under a subsequent provision of this Division.
- (3) In this clause—

environmental watering, in relation to waters, means the use of water to replenish or sustain the ecological values of ecosystems within the waters.

12—Discharge limits for declared activities

A person must not, in the course of undertaking an activity declared by amendment of this policy under clause 22, discharge a pollutant listed in the declaration into waters (including a particular body of waters) described or delineated in the declaration, at a rate, concentration or level that exceeds the rate, concentration or level specified by the declaration in respect of that pollutant.

Mandatory provision: Category A offence.

13—Antifoulants

- (1) A person must not use an antifoulant that contains tributyltin.
Mandatory provision: Category A offence.
- (2) A person must, in using an antifoulant, or removing an antifoulant from any surface, comply with the following provisions:
 - (a) 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;
 - (b) 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.

- (3) Nothing in subclause (2) prevents the use by the holder of an aquaculture licence of an antifoulant in accordance with the *Aquaculture Regulations 2005*.

13A—Prohibited firefighting foam and foam products

- (1) A person must not use, or cause or permit the use of, a prohibited firefighting foam.
Mandatory provision: Category A offence.
- (2) A person must not fill, or cause or permit the filling of, a fire extinguisher with a prohibited firefighting foam product.
Mandatory provision: Category B offence.
- (3) A person who refills, or causes or permits the refilling of, a fire extinguisher must ensure that, before transitioning the fire extinguisher from a prohibited firefighting foam product to a firefighting foam product that is fluorine-free—
 - (a) the fire extinguisher is thoroughly cleaned so as to remove, as far as reasonably practicable, any residual prohibited firefighting foam product or prohibited firefighting foam; and
 - (b) any prohibited firefighting foam product, prohibited firefighting foam or wastewater produced in the cleaning process is collected, securely contained and disposed of to a facility, or stored in a manner, approved by the Authority.

Mandatory provision: Category B offence.

- (4) A person must not supply a firefighting foam product unless the producer's certification of its fluorine content is clearly displayed on a label or document provided with the product.

Mandatory provision: Category B offence.

- (5) Subclause (1) does not apply until the relevant day in relation to the use of a prohibited firefighting foam by means of—
- (a) a large fire extinguisher; or
 - (b) a small fire extinguisher, provided that the firefighting foam product used to produce the prohibited firefighting foam was in the fire extinguisher before the commencement of this clause.
- (6) Subclause (2) does not apply until the relevant day in relation to the filling or refilling of a large fire extinguisher.
- (7) In this clause—

class A fire means a fire involving ordinary combustible material (other than liquids or gases) including wood, paper, cloth, plastics, rubber or other material comprised of organic carbon based compounds;

class B fire means a fire involving flammable or combustible liquids (and their fumes) including gasoline, petroleum, grease, oils, paints or other material with a low flashpoint;

fire extinguisher means a small fire extinguisher or large fire extinguisher;

firefighting foam means foam for preventing, controlling or extinguishing a class A or class B fire;

firefighting foam product means a concentrate or aqueous solution for use in a fire extinguisher for the production of firefighting foam;

large fire extinguisher means a fire extinguisher with a capacity of 90L or more, and includes—

- (a) a fire extinguishing system on a fire truck; and
- (b) an on-site fixed fire extinguishing system; and
- (c) any pumps, pipes, hoses, nozzles, sprinklers, storage containers and any other equipment associated with such systems;

prohibited firefighting foam means firefighting foam produced from a prohibited firefighting foam product;

prohibited firefighting foam product means a firefighting foam product that contains a fluorinated organic compound or compounds, but does not include a firefighting foam product that is fluorine-free;

relevant day means the second anniversary following the day fixed by the Governor for this clause to come into operation;

small fire extinguisher means a fire extinguisher with a capacity of less than 90L, and includes a hand-held or mobile fire extinguisher.

14—Waste from extractive industries

- (1) An operator of an extractive industry must ensure that—
 - (a) waste generated at the premises is not discharged into any waters or 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
 - (b) the premises incorporate a wastewater management system; and
 - (c) the system is effectively operating in respect of any wastewater generated at the premises while the premises are being used for the works.

Mandatory provision: Category B offence.

- (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 extracted material removed from it as is reasonably practicable before it is discharged into any waters.

Mandatory provision: Category B offence.

- (3) In this clause—

extractive industry means works involving the 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 excluding dredging or the removal of sand from a beach.

15—Waste from miscellaneous works

- (1) An operator of works to which this clause applies (see subclause (2)) must ensure that—
 - (a) waste generated at the premises is not discharged into any waters or 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
 - (b) the premises incorporate a wastewater management system; and
 - (c) the system is effectively operating in respect of any wastewater generated at the premises while the premises are being used for the works.

Mandatory provision: Category B offence.

- (2) This clause applies to the following works:
 - (a) an ***abattoir, slaughter house or poultry processing works***, being works for the slaughter of animals and the production of meat or meat products for human or animal consumption;
 - (b) a ***cattle feedlot***, being a confined yard or area in which cattle are held and are fed principally by mechanical means or by hand;
 - (c) ***composting works***;
 - (d) ***concrete batching works***, being works for the production of concrete or concrete products by the mixing of cement, sand, rock, aggregate or other similar materials;

- (e) **fish processing works**, being works for scaling, gilling, gutting, filleting or otherwise processing fish for sale, but excluding—
- (i) such works conducted on vessels; or
 - (ii) the processing of fish in the course of a business of selling fish by retail;
- (f) a **milking shed**, being a structure, whether roofed or not, at which operations for the milking of animals are carried on (including associated yard areas in which animals are confined prior to or following milking);
- (g) **milk processing works**, being works for separating, evaporating or otherwise processing milk for the manufacture of evaporated or condensed milk, cheese, butter, ice cream or other similar dairy products;
- (h) a **piggery**, being confined or roofed structures for the keeping or husbandry of pigs;
- (i) a **saleyard**, being a commercial yard at which cattle, sheep or other animals are gathered or confined for the purposes of their sale, auction or exchange (including associated transport loading facilities);
- (j) a **tannery or fellmongery**, being works for the commercial preservation or treatment of animal skins or hides, but excluding—
- (i) the processing of skins or hides by primary producers in the course of primary production activities outside township areas; or
 - (ii) the processing of skins or hides in the course of taxidermy;
- (k) a **winery or distillery**, being works for processing grapes or other produce to make wine or spirits, but excluding works for bottling only.
- (3) In subclause (2)(e)—
- processing fish** does not include freezing, chilling or packing the fish.

16—Waste from septic systems

- (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 into any waters or 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 the discharge of waste from a septic system if the waste has been treated so as to ensure that the level or concentration of a pollutant or characteristic specified in column 1 of the following table in respect of the water does not exceed the level or concentration specified in column 2 for that pollutant or characteristic at the point at which the waste enters or is reasonably likely to enter the waters:

Pollutant or characteristic	Level or concentration
total nitrogen (as nitrogen)	5 mg/L
total phosphorus (as phosphorus)	0.5 mg/L

Pollutant or characteristic	Level or concentration
biochemical oxygen demand	10 mg/L

17—Waste from sewerage infrastructure

- (1) An operator of sewerage infrastructure must ensure that waste from the infrastructure is not discharged into any waters or 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 the discharge of waste from sewerage infrastructure—
- (a) by the holder of an environmental authorisation in accordance with the authorisation; or
 - (b) in accordance with an approval within the meaning of the *South Australian Public Health (Wastewater) Regulations 2013* relating to the infrastructure.

- (3) In this clause—

waste, from sewerage infrastructure, includes wastewater generated by the infrastructure.

18—Waste from vessels

- (1) Subject to subclause (2), the owner, or the person in charge, of a vessel must ensure that, while the vessel is on inland or marine waters, waste (other than greywater) 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.

- (2) Wastewater may be discharged from a vessel as follows:
- (a) blackwater may be discharged into marine waters from a vessel, provided that—
 - (i) the vessel is not a prescribed vessel; and
 - (ii) the blackwater—
 - (A) has been macerated into a fine slurry; and
 - (B) does not contain formaldehyde-based chemical treatments; and
 - (C) is not discharged into—
 - prescribed waters; or
 - waters within a harbor, marina or canal; or
 - waters within 3 nautical miles from any person in the waters or an aquaculture lease; and
 - (iii) in addition, in the case of untreated blackwater—
 - (A) it is not discharged into waters within 3 nautical miles from mean high water springs; and

- (B) the vessel is underway when the blackwater is discharged;
- (b) commercial fishing wastewater may be discharged from a vessel into marine waters other than prescribed waters, provided that it is not discharged into—
- (i) waters within a harbor, marina or canal; or
 - (ii) waters within 3 nautical miles from any person in the waters,
- (unless the Authority is satisfied that, due to the fishing operation involved, it is not reasonably practicable to prevent such discharge, in which case the wastewater may be so discharged following the removal from it of as much blood and other organic fishing or fish processing waste as is reasonably practicable).
- (3) Subject to subclause (4), the owner, or the person in charge, of a vessel constructed after the commencement of this policy must ensure that, while the vessel is on inland or marine waters, greywater 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.

- (4) Greywater may be discharged from a vessel, provided that—
- (a) the vessel is not permanently moored; and
 - (b) the greywater—
 - (i) does not contain formaldehyde-based chemical treatments or visible solids; and
 - (ii) is not discharged into—
 - (A) waters within a harbor, marina or canal; or
 - (B) waters within 1 nautical mile from any person in the waters; or
 - (C) waters within 3 nautical miles from an aquaculture lease; and
 - (iii) if untreated, is not discharged into—
 - (A) inland waters; or
 - (B) marine waters within 3 nautical miles from mean high water springs.
- (5) It will not be necessary in any proceedings for an offence against subclause (1) or (3) to prove that waste actually escaped from the container.
- (6) For the purposes of this clause, blackwater will be taken to be treated if each of the following specifications have been met in relation to the blackwater (other than by a process of dilution):
- (a) the pH is between 6 and 8.5 (inclusive);
 - (b) the concentration of suspended solids is less than 35 mg/L;
 - (c) the level of biochemical oxygen demand is less than 25 mg/L;
 - (d) the level of chemical oxygen demand is less than 125 mg/L;
 - (e) the concentration of enterococci is less than 40 cells/0.1 L.

- (7) For the purposes of this clause, greywater will be taken to be treated if—
- (a) each of the following specifications have been met in relation to the greywater (other than by a process of dilution):
 - (i) the concentration of suspended solids is less than 50 mg/L;
 - (ii) the concentration of grease is less than 25 mg/L;
 - (iii) the concentration of nitrogen is less than 10 mg/L;
 - (iv) the concentration of phosphorus is less than 1 mg/L;
 - (v) the concentration of enterococci is less than 40 cells/0.1 L; and
 - (b) the Authority is satisfied that the greywater has been subjected to a process (eg digestion, oxidation or some other process approved by the Authority) to reduce the level of biochemical oxygen demand.

- (8) In this clause, unless the contrary intention appears—

aquaculture lease has the same meaning as in the *Aquaculture Act 2001*;

blackwater means human wastewater or wastewater generated by flushing or cleaning a toilet, and includes treated blackwater;

commercial fishing wastewater means wastewater produced in the course of commercial fishing or commercial fish processing, and includes deckhold water and water containing blood and other organic fishing or fish processing waste;

greywater means wastewater generated by washing, laundering, bathing or showering and includes water containing food or beverage waste and treated greywater, but does not include blackwater;

harbor has the same meaning as in the *Harbors and Navigation Act 1993*;

marina means a boat basin for the mooring, berthing, securing or other storage of 2 or more vessels;

Murray Mouth means the Coorong and coastal waters that are within 500 metres of a line joining the locations on mean high water springs closest to 35°33'18.69" South, 138°52'45.87" East (northern side of the headland of Sir Richard Peninsula) and 35°33'21.95" South, 138°52'53.34" East (northern side of the headland of Younghusband Peninsula);

prescribed vessel means a vessel—

- (a) of or above 400 gross tonnage engaged in international shipping; or
- (b) authorised to carry more than 15 persons;

prescribed waters means—

- (a) waters of the River Murray and its tributaries; or
- (b) waters of Lake George; or
- (c) waters of the Coorong above the Murray Mouth; or
- (d) waters of Lake Albert and Lake Alexandrina;

treated blackwater—see subclause (6);

treated greywater—see subclause (7);

untreated blackwater means blackwater other than treated blackwater;

untreated greywater means greywater other than treated greywater.

19—Waste from waste depots

An operator of a waste depot must not discharge waste deposited or generated at the depot into any waters or 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.

20—Wastewater lagoons

- (1) An operator of a wastewater lagoon must ensure that the contents of the lagoon do not overflow, or reach a level where it is reasonably likely that they will overflow, into any waters or onto land in a place from which they are 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—
- (a) to a wastewater lagoon that is used for the purposes of a public stormwater system; or
 - (b) to the extent that a degree of overflow has been contemplated in the design and normal course of operation of the lagoon.

Division 3—Matters relating to Part 6 of Act

21—Matters relating to Part 6 of Act

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

- (a) take into account whether the activity or development has resulted or may result in the pollution of any waters through the discharge of waste or a pollutant into waters or onto land; 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 of the waters or its harmful effects; and
- (c) in imposing any such requirements, take into account (without limitation)—
 - (i) any code, standard, guidelines or other document referred to in this policy that applies to the activity or development or to the relevant waters; and
 - (ii) in addition, in the case of an exemption from a provision of this policy—whether the exemption should be subject to a condition—
 - (A) requiring a monitoring and reporting program to be carried out in relation to the activity; and

- (B) if necessary, requiring the program to be independently checked and verified at regular intervals and the checked and verified results to be made available to the Authority.

Part 3—Amendment of policy

22—Amendment of policy by Gazette notice under section 32 of Act

- (1) Pursuant to section 32(1)(c) of the Act, this policy may be amended by the Minister, by notice in the Gazette—
 - (b) so as to—
 - (i) declare or modify, for the purposes of clause 12, an activity, waters or a pollutant or rate, concentration or level of a pollutant; or
 - (ii) modify Schedule 1, Schedule 2, Schedule 3 or Schedule 4; or
 - (iii) make amendments as a consequence of the amendment, revocation or substitution of a code, standard or guidelines (including the Water Quality Guidelines) or other document, referred to in this policy; or
 - (iv) make other amendments (including amendment of Part 1) as a consequence of an amendment referred to in a preceding subparagraph.
- (2) An amendment is to be in the form of a textual amendment and, as such, a provision may be deleted from, substituted in or inserted into the policy and material may be deleted from, substituted in or inserted into a provision of the policy.
- (3) The Authority cannot make a recommendation to the Minister for an amendment referred to in this clause unless—
 - (a) the proposal has been reduced to writing, clearly setting out the purpose and likely impact of and reasons for the proposed amendment; and
 - (b) in relation to an amendment under subclause (1)(b)—consultation has been undertaken as follows:
 - (i) relevant organisations and industries and the community likely to be affected by the proposed amendment have been consulted;
 - (ii) in addition, in respect of an amendment of Schedule 1 relating to environmental values of waters, the Minister responsible for the administration of the *Aboriginal Heritage Act 1988* has been consulted as to whether the waters have spiritual or cultural significance to a particular indigenous community;
 - (iii) the views expressed by those consulted have been considered by the Authority and communicated to the Minister.

Schedule 1—Environmental values of waters (clause 6)

1—Interpretation

- (1) In this Schedule—
 - background TDS level*—see subclause (2);

Groundwater Data document means the document titled *Groundwater Data* prepared by WaterConnect, as in force from time to time (see <http://www.waterconnect.sa.gov.au/Water-Resources/Groundwater/SitePages/Home.aspx>);

TDS means total dissolved solids.

- (2) For the purposes of this Schedule—a reference to the background TDS level of underground waters is—
- (a) in the case of underground waters in a well described in the Groundwater Data document—a reference to the background TDS level as indicated in that document for those waters; and
 - (b) in any other case—a reference to the background TDS level for the waters as measured by a method approved by the Authority.

2—Environmental values of waters—default values

Subject to clause 3, the following environmental values apply in relation to marine waters and inland surface waters.

Waters	Aquatic ecosystem	Recreation and aesthetics	Drinking water for human consumption	Primary industries—irrigation and general water uses	Primary industries—livestock drinking water	Primary industries—aquaculture and human consumption of aquatic foods
Marine waters	X	X				X
Inland surface waters	X	X		X	X	X

3—Environmental values of particular waters

The following environmental values apply in relation to the waters as specified:

Waters	Aquatic ecosystem	Recreation and aesthetics	Drinking water for human consumption	Primary industries—irrigation and general water uses	Primary industries—livestock drinking water	Primary industries—aquaculture and human consumption of aquatic foods
Lake Albert and Lake Alexandrina	X	X		X	X	X
Lake Bonney (South East) and tributaries	X	X				X
Public stormwater systems	X	X				

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Schedule 1—Environmental values of waters (clause 6)

Waters	Aquatic ecosystem	Recreation and aesthetics	Drinking water for human consumption	Primary industries—irrigation and general water uses	Primary industries—livestock drinking water	Primary industries—aquaculture and human consumption of aquatic foods
Surface waters in a water protection area (within the meaning of section 61 of the Act)	X	X	X	X	X	X
Underground waters as follows:						
(a) underground waters with a background TDS level of less than 1 200 mg/L			X	X	X	X
(b) underground waters with a background TDS level of 1 200 mg/L or more, but less than 3 000 mg/L				X	X	X
(c) underground waters with a background TDS level of 3 000 mg/L or more, but less than 13 000 mg/L					X	X

Schedule 2—Class 1 pollutants

Agricultural chemicals

Asbestos

Biosolids and wastewater treatment sludge

Brick, bitumen or concrete cutting wastewater

Building washwater

Carpet or upholstery cleaning waste

Chemicals designed for human or animal therapeutic use

Chemicals listed in Schedule A of the *National strategy for the management of scheduled wastes 1992*, prepared by ANZECC, as in force from time to time

Cleaning agents

Concrete waste

Condensate from compressors

Construction and demolition waste (whether or not inert)

Detergents and their byproducts

Domestic waste (being waste produced in the course of a domestic activity)

Engine coolant
Food or beverage waste
Fuel dispensing area washwater
Hard waste (for example, vehicles, tyres, batteries, metal parts, piping, electronic equipment and municipal solid waste)
Hazardous waste
Human waste
High pressure water blasting waste
Liquid waste
Medical 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 (for example, food scraps and dead animals that are putrid or likely to become putrid)
Quarantine waste (waste that is subject to quarantine under the *Quarantine Act 1908* of the Commonwealth)
Radioactive waste (being waste, the management or disposal of which is regulated under the *Radiation Protection and Control Act 1982* or a law of the Commonwealth)
Roof cleaning waste
Rubbish and litter (for example, bottles, cans, cartons, cigarette butts, food scraps, packaging and paper, glass or plastic items or materials)
Sawdust
Sewage
Solvents
Stain or varnish
Steam cleaning waste
Street cleaning waste
Timber preservatives
Trade waste
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

Schedule 3—Class 2 pollutants

Air conditioning or cooling system wastewater
Animal faeces
Fertilisers
Green waste (for example, lawn clippings, leaves and prunings)
Soil, clay, gravel or sand

Schedule 4—Codes, standards, guidelines and other documents

Subject	Activity	Code, standard or guidelines
Antifoulants	Using antifoulant	<i>Anti-fouling and In-water Cleaning Guidelines June 2013</i> , published by the Australian Government Department of Agriculture, Fisheries and Forestry and Department of Sustainability, Environment, Water, Population and Communities, as in force from time to time
Building or construction	Undertaking a building or construction activity described in the <i>Stormwater Pollution Prevention Code of Practice for the Building and Construction Industry 1999</i> prepared by the Authority	<i>Stormwater Pollution Prevention Code of Practice for the Building and Construction Industry 1999</i> , prepared by the Authority
Cattle feedlot	Operating a cattle feedlot	<i>Guidelines for the Establishment and Operation of Cattle Feedlots in South Australia Second Edition February 2006</i> , prepared by the Authority, the Local Government Association of South Australia and Primary Industries and Resources SA, as in force from time to time
Fire protection systems in buildings	Undertaking the construction, maintenance or management of a fire protection system	<i>Guidelines for Fire Protection Services Pipework Systems—Wastewater Removal 2003</i> , prepared by the Authority
MAR schemes	Operating a MAR scheme	<i>Code of Practice for Aquifer Storage and Recovery 2004</i> , prepared by the Authority
Milking sheds	Operating a milking shed	<i>Code of Practice for Milking Shed Effluent 2003</i> , prepared by the Authority
Piggery	Operating a piggery	<i>Australian Pork Limited National Environmental Guidelines for Piggeries Second Edition 2010</i> , prepared by Australian Pork Limited
Roads and public stormwater systems	Undertaking by a public authority of— (a) the construction or maintenance of a public road; or (b) the management of a stormwater system or a part of such a system	<i>Stormwater Pollution Prevention Code of Practice for Local, State and Federal Government 1998</i> , prepared by the Authority
Septic systems	Using sludge collected from a septic system	<i>South Australian Biosolids Guidelines for the Safe Handling, Reuse or Disposal of Biosolids 1997</i> , prepared by the Authority
Sewerage infrastructure	Operating sewerage infrastructure Reusing, or supplying for reuse, sludge collected from sewerage infrastructure	<i>Code of Practice for Wastewater Overflow Management 2008</i> , prepared by the Authority <i>South Australian Biosolids Guidelines for the Safe Handling, Reuse or Disposal of Biosolids 1997</i> , prepared by the Authority

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Codes, standards, guidelines and other documents—Schedule 4

Subject	Activity	Code, standard or guidelines
	Reusing, or supplying for reuse, wastewater collected from sewerage infrastructure	<i>Australian Guidelines for Water Recycling: Managing Health and Environmental Risks (Phase 1) 2006</i> , prepared by Natural Resource Management Ministerial Council, Environment Protection and Heritage Council and the Australian Health Ministers Conference, as in force from time to time <i>Code of Practice for Wastewater Overflow Management 2008</i> , prepared by the Authority
Vessels and vessel facilities	Operating a vessel or vessel facility	<i>Code of Practice for vessel and facility management (marine and inland waters) 2008</i> , prepared by the Authority
Vessels on inland waters	Management (including disposal) of greywater produced on or brought onto vessel	Australian Standard 4995-2009 <i>Greywater treatment systems for vessels operated on inland waters</i> , as in force at the commencement of this policy
Waste depot	Operating a waste depot	<i>Environmental management of landfill facilities (municipal solid waste and commercial and industrial general waste) 2007</i> , prepared by the Authority
Wastewater lagoons	Operating, or undertaking the construction, maintenance or management, of a wastewater lagoon	<i>Wastewater Lagoon Construction 2014</i> , prepared by the Authority

Legislative history

Notes

- Please note—References in the legislation to other legislation or instruments or to titles of bodies or offices are not automatically updated as part of the program for the revision and publication of legislation and therefore may be obsolete.
- Earlier versions of this policy (historical versions) are listed at the end of the legislative history.
- For further information relating to the Act and subordinate legislation made under the Act see the Index of South Australian Statutes or www.legislation.sa.gov.au.

Legislation revoked by principal policy

The *Environment Protection (Water Quality) Policy 2015* revoked the following:

Environment Protection (Water Quality) Policy 2003

Principal policy and amendments

New entries appear in bold.

Notice	Provision under which notice is made	Publication of policy in Gazette	Commencement
Gazette 20.8.2015 p3853	s 28	<i>Gazette 20.8.2015 p3854</i>	1.1.2016: cl 2
Gazette 30.1.2018 p520	s 28	<i>Gazette 30.1.2018 p521</i>	30.1.2018
Gazette 17.1.2019 p68	s 32	—	1.6.2019 immediately after the commencement of Environment Protection (Variation of Act, Schedule 1) (Waste Reform) Regulations 2019: cl 2

Provisions amended

New entries appear in bold.

Entries that relate to provisions that have been deleted appear in italics.

Provision	How varied	Commencement
<i>cl 2</i>	<i>omitted under Legislation Revision and Publication Act 2002</i>	<i>30.1.2018</i>
cl 3		
cl 3(1)		
composting works	inserted by 17.1.2019 p68 cl 4(1)	1.6.2019
landfill depot	substituted by 17.1.2019 p68 cl 4(2)	1.6.2019
liquid waste	substituted by 17.1.2019 p68 cl 4(3)	1.6.2019
<i>medical sharp</i>	<i>deleted by 17.1.2019 p68 cl 4(4)</i>	<i>1.6.2019</i>

medical sharps	inserted by 17.1.2019 p68 cl 4(4)	1.6.2019
medical waste	substituted by 17.1.2019 p68 cl 4(4)	1.6.2019
<i>vessel</i>	<i>deleted by 17.1.2019 p68 cl 4(5)</i>	<i>1.6.2019</i>
<i>waste</i>	<i>deleted by 17.1.2019 p68 cl 4(6)</i>	<i>1.6.2019</i>
<i>waste management hierarchy</i>	<i>deleted by 17.1.2019 p68 cl 4(7)</i>	<i>1.6.2019</i>
wastewater	amended by 17.1.2019 p68 cl 4(8)	1.6.2019
wastewater lagoon	amended by 17.1.2019 p68 cl 4(9)	1.6.2019
<i>cl 4</i>	<i>deleted by 17.1.2019 p68 cl 5</i>	<i>1.6.2019</i>
cl 15		
cl 15(2)	amended by 17.1.2019 cll 6(1)—(3)	1.6.2019
cl 15(3)	inserted by 17.1.2019 cl 6(4)	1.6.2019
cl 13A	inserted by 30.1.2018 p521 cl 3	30.1.2018
cl 22		
cl 22(1)	(a) deleted by 17.1.2019 cl 7(1)	1.6.2019
	amended by 17.1.2019 cl 7(2)	1.6.2019
<i>Sch 5</i>	<i>omitted under Legislation Revision and Publication Act 2002</i>	<i>30.1.2018</i>

Historical versions

30.1.2018