



Environment Protection (Water Quality) Policy 2015*

Effective Date: 1 January 2016

****This is an information sheet only and should be read in conjunction with the full Environment Protection (Water Quality) Policy 2015 and detailed Explanatory Report***

The new Environment Protection (Water Quality) Policy 2015

The new *Environment Protection (Water Quality) Policy 2015* (the Policy) is the result of an extensive review of the current *Environment Protection (Water Quality) Policy 2003* and other legislation and policies used in relation to the regulation and management of South Australia's water quality.

This new Policy will provide a mechanism for ensuring that all activities, irrespective of scale of operation and whether or not an activity is subject to licensing under the Act, operate under uniform conditions regarding water quality in South Australia.

EPA's role in protecting water in South Australia

The Environment Protection Authority (EPA) is South Australia's independent environment protection regulator. We work closely with industry, the community and government to protect our unique natural environment while supporting economic growth and improving wellbeing.

Protecting the water quality in South Australia is fundamental in securing the future of our State, and is critical to South Australia's economic priority of a clean environment.

The reforms in the *Environment Protection (Water Quality) Policy 2015* are consistent with the Government's economic priorities and the EPA's long-term environmental goal of *good quality water*.

What's new in the Policy?

There are significant changes in the new *Environment Protection (Water Quality) Policy 2015*, which will introduce the most specific and detailed protection of South Australia's surface, marine and underground water sources in South Australia.

These changes mean that industry no longer have to meet predetermined water quality values, which were often outdated, unrealistic and at times not achievable.

Now, industry they will be required to meet their general environmental duty with reference to the National Water Quality Guidelines.

New regulations will establish obligations for industry and the community to manage and control different forms of pollution into our waterways, and provide the power to set discharge limits for particular activities.

The Policy focusses on pollution prevention, by placing an onus on industry and business to take steps to avoid potential environmental harm.

There was a need to clarify what reasonable and practicable measures must be taken to prevent or minimise environmental harm to waters in South Australia.

Many medium to large businesses conducting a range of activities are subject to licensing under the *Environment Protection Act 1993*, and are required to comply with licence conditions, including those regarding the protection of water quality.

This Policy is more collaborative in seeking the best environmental outcomes.

Note regarding application of the Policy

The new *Environment Protection (Water Quality) Policy 2015* provides transitional arrangements for existing holders of an environmental authorisation to undertake prescribed activities of environmental significance under the *Environment Protection Act 1993*. EPA licensees will have up to 1 January 2018, two years from the commencement of the Policy, to comply with the provisions in the new Policy. (This only applies if an activity becomes non-compliant as at 1 January 2016, but was compliant immediately prior).

The EPA will work with licensees to provide support through any changes which will assist with a smooth transition of the *Environment Protection (Water Quality) Policy 2015*.

Further information:

For further information about the *Environment Protection (Water Quality) Policy 2015* including a detailed Policy document and explanatory report, please contact an EPA licence coordinator.

EPA Website: www.epa.sa.gov.au

Phone: (08) 8204 2004

Freecall (country): 1800 623 445

Environment Protection (Water Quality)
Policy 2003 (WQEPP 2003)

Environment Protection (Water Quality) Policy 2015
(WQEPP 2015) – NEW POLICY

Protective water quality guidelines and a general duty

Clause 13 established an offence where a person discharges or deposits a pollutant into any waters, and causes an exceedence of water quality criteria (Schedule 2).

Changed from mandatory requirement to a general duty, which requires a person who discharges or deposits a pollutant into any waters to take 'all reasonable and practicable measures' to ensure that 'any of the water quality guidelines applicable to those waters are met'. The obligation can be enforced where necessary by the issuing of an environment protection order (EPO) to give effect to the provisions of the Policy and to prevent, limit or otherwise control any discharge or deposit which pollutes or might pollute the environment. (Clause 9)

The new approach allows the EPA to treat every matter on the basis of its potential environmental impacts and the extent to which the discharges can be reduced to eliminate any impact. The 'reasonable and practicable test' will be determined by what can be expected of the industry generally while the National Water Quality Guideline requirements will be much more stringent.

Application of the WQEPP

WQEPP 2003 (via Clause 4) applied to surface (marine, creeks and rivers) and underground waters. It also included water within a public stormwater disposal system or irrigation drainage channel.

Includes water within the pipes and tanks of a water reticulation system; water within a sewage system or wastewater management system; water within a closed tank constructed of or lined with material impervious to water; and swimming pool water.

Salt Interception Scheme (SIS)

Water within a pipe was excluded but continues to apply with respect to final discharge into an evaporation basin, where the basin forms a permanent or mainly permanent body of water.

Accommodates the use of this saline water by aquaculture businesses, which may then seek to dispose of the water back into the SIS pipe with some amount of nutrients incorporated. Access to the water from these schemes (and any subsequent discharge back to the scheme) is managed by SA Water. This provides for significant control as to the amount of water taken from the scheme and the quality requirements of discharges back into the system, and the overall impact that this may have on the receiving waters (generally evaporation basins).

Catchment Management Infrastructure

The definition of 'public stormwater system' was broadened to ensure that catchment management infrastructure such as detention basins and artificial wetlands are included in the definition, as well as further clarifying that any public infrastructure for the purpose of collecting, treating or conveying stormwater is part of the public stormwater system.

This amendment ensures that discharges from public catchment management infrastructure are excluded from the policy and further clarifies that discharging waste or a pollutant to a street or gutter (being part of the drainage network) is considered a discharge to waters.

Repeal of mixing and attenuation zone requirements

Clauses 14 and 15 set out mandatory conditions that must apply to any exemptions given to clause 13

Since Clause 13 became a general duty provision, there is no longer a need for those clauses; exemptions apply only to mandatory requirements

Waste Water Storage Lagoons

Clause 18 related specifically to wastewater storage lagoons and provided a series of directions from their planning through to their operation. Subclause 18(1) only applies to lagoons that are developments within the meaning of the *Development Act 1993* or which require an authorisation under the EP Act.

The title has been amended to reflect the breadth of purpose for wastewater lagoons rather than simply for storage. To support this, the definition (clause 3) has been extended to cover a wider range of water bodies including sedimentation basins, managed wetlands and tailings dams.

The clause has been amended to make it clear that it does not apply to public infrastructure that is used for managing stormwater quality or quantity.

Anti Foulants

Use of anti-foulants on the hulls of vessels or other surfaces.

Prohibits the use of tributyltin (TBT).

The use of TBT has been banned internationally and also nationally, in particular by the *International Convention on the Control of Harmful Anti-fouling Systems on Ships* in 2001.

The Federal Government has implemented its obligations under this convention through the *Protection of the Sea (Harmful Anti-fouling Systems) Act 2006*. This Act, which came into force in September 2008, applies to harmful anti-fouling compounds notably organotin compounds that act as a biocide in an anti-fouling system. This includes TBT.

Clause 22(4) – any person involved in cleaning the hull of a vessel has a duty to make sure that material removed during this process does not get into waters, or is not left in any place where it might later get into waters.

There are provisions proposed to exclude certain authorised aquaculture applications under the *Aquaculture Act 2001*.

Scheduled Pollutants

In WQ EPP 2003 they related to clauses 17 and 19, while in WQ EPP 2015, they relate to clauses 10 and 11.

Pollutants listed under Parts 1 and 2 of Schedule 4 are now referred to as Class 1 and 2 pollutants under the WQ EPP 2015.

The lists of pollutants are used for the purpose of the mandatory discharge provisions of the policy.