



The *Environment Protection (Water Quality) Policy 2003*

—an overview

June 2003

In this overview, the Environment Protection Authority (EPA) outlines the aims and expected benefits on the Water Quality Policy, and describes its place within environmental legislation in South Australia.

Introduction

The *Environment Protection (Water Quality) Policy 2003* (Water Quality Policy) aims to protect South Australia's waters from pollutants. In the past, South Australian laws protecting the State's water resources from pollution were inconsistent and had little to do with the environmental value of our waters. This meant that the State's rivers, marine and ground waters were in danger of being degraded, raising potential negative impacts for the economy, community and the environment. The new Water Quality Policy addresses these issues and brings South Australia in line with the National Water Quality Management Strategy.

Aims

The Water Quality Policy's main objective is to achieve the sustainable management of our waters by protecting or enhancing water quality while allowing economic and social development.

The policy aims to achieve this by:

- setting environmental values and water quality objectives for streams, rivers, oceans and groundwater. The protected values or uses of water are: aquatic ecosystem, drinking water, recreation and aesthetics, agriculture and aquaculture, and industry.
- establishing obligations for industry and the community to manage and control different forms of pollution

- encouraging better use of wastewater by:
 - avoiding the production of wastewater
 - eliminating or reducing wastewater
 - recycling and reusing wastewater
 - treating wastewater to reduce potential harm to the environment
 - disposing of waste in an environmentally sound manner
- using Codes of Practice that describe best practice environmental management for particular activities and which can be enforced using Environment Protection Orders
- promoting within the community environmental responsibility and involvement in environmental issues
- setting discharge limits for particular activities.

The Water Quality Policy was developed through significant consultation with the general public, industry groups, local councils, other government agencies and prescribed bodies.

Benefits

Expected benefits to be gained from application of this policy include:

- improvements in the environmental quality of aquatic ecosystems resulting from the control and management of point and diffuse source discharges
- positive changes in the way the community and resource managers view the use of fresh and marine waters
- improved opportunities for recreation, tourism, aquaculture, agriculture and industry
- a reduction in costs associated in rehabilitating degraded aquatic environments
- better community health
- an improvement in the visual quality of the State's waters
- an improvement in the number and diversity of native plants and animals that live in and near our rivers and oceans
- protection of aquatic environments.

Codes of Practice

The Water Quality Policy uses codes of practice or guidelines as a means of describing how a person undertaking a particular activity can comply with their general environmental duty. Specific requirements in codes and guidelines may be enforceable. The relationship between the *Environment Protection Act 1993* (the Act), environment protection policies, and codes of practice or guidelines is shown schematically in Figure 1.

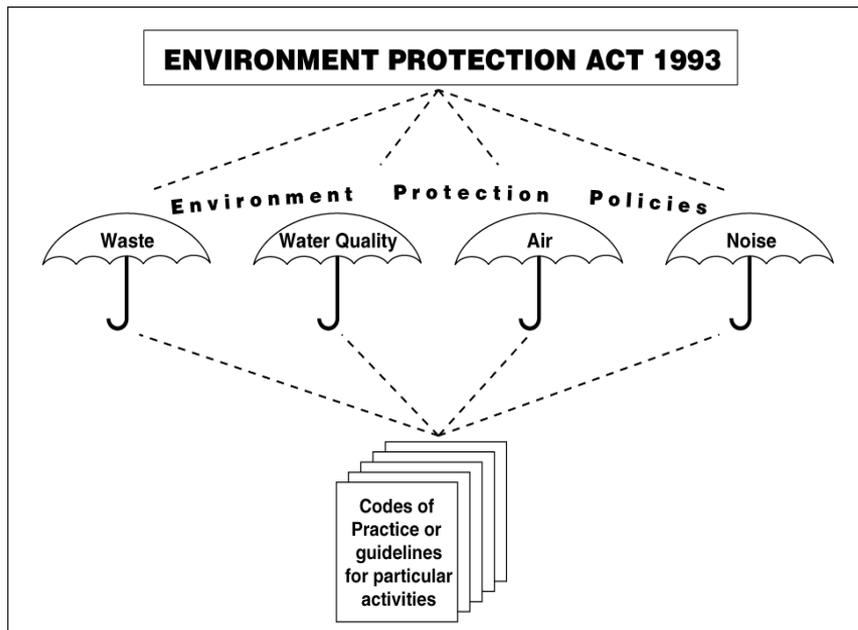


Figure 1 Relationship between the Environment Protection Act, Environment Protection Policies and Codes of Practice or guidelines

Implications for all

Every person, business and industry has obligations under the Water Quality Policy:

- to avoid discharging or depositing waste or listed pollutants into any waters, bores, and mine shafts or onto land where it might enter the water
- not to cause environmental harm
- not to contravene the water quality criteria at the point of discharge, unless the EPA allows a mixing or attenuation zone to be established, and
- not to exceed discharge limits.

Failure to comply with these requirements may result in an on-the-spot fine or, depending on the seriousness of the offence, prosecution.

Implications for agencies managing water quality issues

The policy sets out default protected environmental values for the State's aquatic environments. The values for particular water bodies may be amended as part of an integrated environmental protection management plan where the change is justified and appropriate. Bodies that may seek to amend the values for particular waters would include catchment water management boards, natural resource management boards, other statutory bodies such as the Aquaculture Advisory Committee, and industry bodies.

The EPA's role is to ensure that the amendments are justified, community consultation has been adequate, the proposed changes will not impact on environmental values that have been set elsewhere, and statutory requirements have been met. Once satisfied, the EPA will then make a recommendation to the relevant Minister to change the protected environmental values for that water body.

Implications for local government

Local councils may be involved in the implementation and enforcement of the Water Quality Policy in a number of ways:

- Local council authorised officers will be able to issue \$300 on-the-spot fines to people and businesses who deliberately or accidentally pollute the stormwater.
- Local councils can enhance the implementation of the policy by amending their development plans to include the main features of the policy.

Each council will determine for itself the level of appropriate enforcement to best protect the waters in its council area.

Implications for business and industry

In addition to the obligations under the heading 'Implications for all', some industries and businesses have specific (and sometimes mandatory) obligations relating to their activities. These industries and activities include:

- application of antifoulants
- abattoirs
- cattle feedlots
- composting works
- concrete batching works
- extractive industries
- fish processing works
- milking sheds
- milk processing works
- piggeries
- poultry processors
- saleyards
- slaughterhouses
- septic tank effluent disposal schemes
- septic systems
- sewerage systems and sewage treatment systems
- tanneries and fellmongeries
- vessels on inland waters
- waste depots
- wineries and distilleries.

Further information on these additional obligations can be found by consulting the Water Quality Policy, the relevant code of practice, guideline or information sheet(s).

Enforcement

The Water Quality Policy sets out specific obligations and requirements; these are mandatory provisions and may be enforced on people and businesses by authorised officers in several ways:

1. by issuing an Environment Protection Order (EPO) to gain compliance with the policy
2. by issuing an expiation notice (on-the-spot fine) of \$300 for a breach of a mandatory provision
3. by issuing an EPO and also issuing an on-the-spot fine for a breach of a mandatory provision
4. by issuing an on-the-spot fine for failing to comply with an EPO
5. by prosecuting through the Court (maximum penalty \$30,000).

Fines may apply if the action has been shown to be negligent, even if the offence was accidental.

Failure to comply with specific requirements in a code of practice or guideline linked to the Water Quality Policy may result in the issuing of an EPO. An EPO may require that a person or agency take specified action within a defined period.

Authorised officers from the Environment Protection Authority, local councils, and other government authorities may enforce the Water Quality Policy.

FURTHER INFORMATION

Legislation

Legislation may be viewed on the Internet at: www.parliament.sa.gov.au/dbsearch/legsearch.htm

Copies of legislation are available for purchase from:

Information SA	Telephone:	(08) 8204 1900
Ground Floor, SA Water House	Facsimile:	(08) 8204 1909
77 Grenfell Street	Freecall (country):	1800 182 234
Adelaide SA 5000		

For general information please contact:

Information Officer	Telephone:	(08) 8204 2004
Environment Protection Authority	Facsimile:	(08) 8204 9393
GPO Box 2607	Freecall (country):	1800 623 445
Adelaide SA 5001	Internet:	www.epa.sa.gov.au

Disclaimer: This document has been prepared to provide information relevant at the time of publishing. It is not a regulatory document. If you need more information regarding legal obligations consult a lawyer, the legislation, the Environment Protection Authority (EPA) or your local council.