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AUSTRALIAN CAPITAL TERRITORY LEGISLATIVE ASSEMBLY

WATER POLLUTION REGULATIONS (AMENDMENT)

EXPLANATORY MEMORANDUM

Circulated by the Authority of the Minister for the Environment, Land and Planning

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WATER POLLUTION REGULATIONS (AMENDMENT) EXPLANATORY MEMORANDUM

The Water Pollution Act 1984 provides for the control of waste discharge to waters in the Territory. Section 47 of the Water Pollution Act 1984 provides for making of regulations to set standards in relation to the discharge of waste.

The Water Pollution Regulations (Amendment) (the Amending Regulations) amend the Water Pollution Regulations (the Regulations) to remove inappropriate and dated 'end-of-pipe' standards and enable a more effective regime to be introduced to provide for the imposition of appropriate waste discharge requirements.

OUTLINE

The Water Pollution Regulations do not provide the necessary flexibility for emerging approaches to pollution control which need to be linked to ambient standards in relation to particular water uses. A number of the standards specified in the Regulations are inappropriate for achieving changing objectives for improved water quality management.

Effective water quality management requires a degree of flexibility to control waste discharge limits to ensure that particular environmental criteria for the water body in question are not exceeded.

Increasingly, in Australia, the approach to setting standards for waste discharge is aimed at maintaining the ecological health of water bodies at a level that is consistent with the particular environmental use nominated for that water body. Under the National Water Quality Management Strategy, a consensus is emerging which requires firstly, the nomination of an environmental use for a particular water body and, secondly, selection of environmental criteria (standards) for those environmental uses.

This approach requires a degree of flexibility in setting licence conditions, load limits, standards and control measures for waste discharges which can be updated on the basis of emerging nationally recognised ambient standards and monitoring of performance against water quality criteria in the Territory. The amending Regulations provide for such controls.

FINANCIAL IMPLICATIONS

The amending Regulations will have no impact on revenue or expenditure.

DETAILS OF THE AMENDING REGULATIONS

Details of the amending Regulations are set out in the Attachment.

Attachment

WATER POLLUTION REGULATIONS (AMENDMENT)

Regulation 1

Regulation 1 identifies the Principal Regulations as the Water Pollution Regulations.

Regulation 2

Regulation 2 provides for the commencement of the Amending Regulations upon notification.

Regulation 3

Regulation 3 amends Regulation 2 of the Principal Regulations by making amendments that are consequential to the changes that are made to Schedules.

Regulation 4

Regulation 4 amends Regulation 8 of the Principal Regulations by omitting paragraph 8(5)(b) and subregulation 8(7). These provisions impose a prohibition on the discharge of waste into Class P waters if the concentration of a substance exceeds the concentrations specified.

Regulation 5

Regulation 5 amends Regulation 9 of the Principal Regulations by omitting subregulations (2), (3), (5), (7), (8), (9), (10), (11), (12) and (13). These subregulations specify the concentration of pollutants in relation to discharge into Class C waters.

Regulation 6

Regulation 6 amends Regulation 10 of the Principal Regulations by omitting subregulations (2), (3), (4), (6), (8), (9), (10), (11), (12) and (13). These subregulations specify concentrations of pollutants in relation to discharge into Class R waters.

Regulation 7

Regulation 7 amends Regulation 11 of the Principal Regulations by omitting subregulations (2), (5) and (6) that specify concentrations of pollutants in relation to discharge into Class O waters

Regulation 8

Regulation 8 amends Regulation 12 of the Principal Regulations by omitting subregulations (2) and (3) that specify concentrations of pollutants in relation to discharge in Class U waters.

Regulation 9

Regulation 9 amends the Principal Regulations by repealing Part IV. Part IV specifies formulae in relation to the repealed subregulations.

Regulation 10

Regulation 10 repeals the Schedules to the Principal Regulations and substitutes new Schedules 1, 2 and 3. Schedule 1 specifies restricted substances in relation to Class P and Class U waters. Schedule 2 specifies restricted substances in relation to Class C waters and Class R waters. Schedule 3 specifies restricted substances in relation to Class O waters.