

# ENVIRONMENT PROTECTION AUTHORITY



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## WATER QUALITY ENVIRONMENT PROTECTION POLICY

Environment Protection Authority, ACT

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April 2008

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# 1 BACKGROUND

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## 1.1 Role of EPPs

This Water Quality Environment Protection Policy (EPP) is designed to help people understand the *Environment Protection Act 1997* (the Act) and *Environment Protection Regulation 2005* (the Regulation) as they apply to water. There are general offences in the Act which carry substantial penalties. This EPP provides guidance on meeting these legislative requirements, including the need to adopt the general environmental duty as specified in the Act to prevent or minimise environmental harm. This EPP has been prepared by the Environment Protection Authority (EPA) in accordance with Part 4 of the Act.

The role of Environment Protection Policies (EPPs) and their relationship to the Act and the Regulation is explained in the General EPP. The General EPP also contains other material of relevance to this **EPP** such as policies on enforcement and access to information held by the EPA. This EPP should be read together with the General and other EPPs.

## 1.2 Administration Consistent with Objects of the Act

Section 2 of the Act requires that the Act be construed and administered consistently with the Objects of the Act. This EPP should be read and applied to best give effect to the Objects of the Act.

## 1.3 Activities addressed by this EPP

This EPP addresses two main areas:

- Business activities, including the commercial, industrial and construction sectors and government; and
- People's individual activities in and around the home.

In both areas, people's actions have a direct impact on the quality of water in the ACT.

## 1.4 What about other Legislation?

This EPP is complemented by other environmental programs and legislation aimed at protecting water quality and the environment.

More detailed information is available as follows:

<i>Activity</i>	<i>Act</i>	<i>Contact</i>
General environmental duty	<i>Environment Protection Act 1997</i>	EPA by calling Canberra Connect on 13 22 81
Handling and storage of dangerous substances	<i>Dangerous Substances Act 2004</i>	ACT WorkCover on 6205 0200
Littering	<i>Litter Act 2004</i>	City Rangers by calling Canberra Connect on 13 22 81
Disposal of hazardous waste material	<i>Environment Protection Act 1997</i>	EPA by calling Canberra Connect on 13 22 81
Dams/ponds construction, waterway works and water abstraction licences	<i>Water Resources Act 2007</i>	Water Resources by calling Canberra Connect on 13 22 81
General land use/ Territory Plan	<i>Land and Development Act 2007</i>	ACT Land Planning Authority by calling Canberra Connect on 13 22 81

## 1.5 Notes on Reading this EPP

1. Where the EPP refers to a legal requirement, it will give the source of this requirement for reference. References to 'the Act' refer to the *Environment Protection Act 1997* (as amended) while 'the Regulation' refers to the *Environment Protection Regulation 2005* (as amended).
2. Wherever a term is used that is defined in the Act or Regulation, it appears in bold.
3. Copies of the documents cited in this EPP, including this EPP may be inspected at the following locations:
  - Department of Territory and Municipal Services  
Macarthur House  
12 Wattle St  
LYNEHAM, ACT 2602
  - ACT Public Libraries
  - Department of Territory and Municipal Services Website:  
[www.tams.act.gov.au](http://www.tams.act.gov.au)

## 2 POLICY OBJECTIVE

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The Objectives of the Water Quality EPP are to provide information to the community and to maintain, and where appropriate enhance, the ACT's water quality (as measured by standards prescribed by regulation or, when not available, other appropriate standards) by minimising or eliminating water pollution.

## 3 COMPLIANCE WITH THIS EPP

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EPPs are not legally binding in themselves. They are statements of policy, guidelines and explanations of legal requirements. If something is legally required, this EPP refers to the source legal document (usually the Act or Regulation). EPPs have been developed to help people comply with the legal requirements of the Act and Regulation and the general environmental duty, which requires people to take practicable and reasonable steps to minimise environmental harm or environmental nuisance.

The role of this EPP and its relationship to other EPPs, the Act and the Regulation is explained in the General EPP.

The EPA must take this EPP and any other EPP into account when administering the Act.

## 4 ENFORCEMENT POLICY

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The EPA's general approach to enforcement, consistent with the duty in Section 2 to administer the Act to give effect to its objects, will be:

- Firstly, to seek to work in partnership with business and the community as “co-regulators” and educators;
- Secondly, to warn;
- Thirdly, to take non-criminal statutory action such as authorisation variations and issuing environment protection orders, together with infringement notices as appropriate and requiring compulsory environmental audits; and
- Finally, to consider suspension or cancellation of an authorisation, or referral to the Director of Public Prosecutions (DPP) for a decision on prosecution, or both, as appropriate.

*Note:* This approach is adopted for guidance only and that serious cases, such as **knowingly** or **recklessly** causing **serious** or **material environmental harm**, may justify immediate application of a strict approach to enforcement.

Consistent with the EPA's approach to enforcement above, the EPA produces a range of education information, including industry specific information and codes of practice to educate and inform the public of their responsibilities under the Act.

## 5 REVIEW OF EPA DECISIONS

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Certain decisions made by the EPA are reviewable by the Administrative Appeals Tribunal (AAT). Under Section 135 of the Act, which specifies the reviewable decisions, an eligible person can make an application to the AAT for review of an EPA decision

## 6 ENVIRONMENTAL DUTIES

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Under "Water Use and Catchment Policies of the ACT", the Territory Plan categorises waters of the ACT and their catchments according to the predominant water use or environment value. The three types of water use are:

- Conservation;
- Water supply; and
- Drainage and open space.

Each category has a water use policy which sets specific objectives and environmental values for particular waterways. The Territory Plan has legal effect under the *Land and Development Act 2007*, therefore management of these waters and regulation of activities in these catchments must not be inconsistent with the Territory Plan. The Act is administered accordingly. Specifically, in pursuing the Act's objective to maintain and where appropriate enhance water quality, the EPA uses these environmental values to determine water quality objectives and whether pollution has or is occurring.

## 7 GUIDELINES TO ACHIEVE ENVIRONMENTAL VALUES

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The Government's policies and strategies to achieve the desired water quality outcomes are detailed in the 'Think water, act water' three volume document for sustainable water resource management in the ACT.

### 7.1 ACT Water Quality Standards

The ACT Water Quality Standards are at Schedule 4 of the Regulation.



The Water Quality Standards set out the indicators and the maximum acceptable concentrations of substances and materials acceptable for the maintenance of the environmental values for water outlined in the Territory Plan. Where the Territory Plan gives several environmental standards, which contain more than one value associated with a particular substance, it is discretionary as to which value to use. The general approach is to use the most stringent value, however this is not always applicable to every situation. Where no standard is specified in the Regulation for a substance, then values are taken from the Australian and New Zealand Guidelines for Fresh and Marine Waters 2000 (refer to the National Water Quality Management Strategy).

## 7.2 Water Sensitive Urban Design

The ACT Government is committed to implementing urban sustainability through water sensitive urban design (WSUD). To ensure that water resource management is consistent with the WSUD commitments in the ACT Water Resources Strategy 'Think water act water', the EPA requires developments to:

- Ensure that no contaminated water, including that containing sediments, is likely to leave the site during development and during the on-going operation of the site;
- Incorporate measures and/or operating procedures which ensure that stormwater runoff from the site reflects patterns, volumes and quality which existed when the site was in an undeveloped state as far as reasonably practicable. To achieve this requirement, development proponents will be required to install storage measures, either rainwater tanks or infiltration trenches, to a volume of 1.3kL per 100m<sup>2</sup> of impervious area, either in excess of the previous impervious area for the site or, in excess of 35% of the site area, whichever is the larger requirement; and
- Incorporate measures and/or operating procedures, which will minimise the demand of the facility on potable water supplies;

And in the case of land development:

- Retain naturalised drainage lines in order to enhance ecological values and recreational opportunities.

WSUD initiatives would be expected to include, but are not limited to:

- Measures to increase infiltration at the block and neighbourhood level, including swales, permeable pavement, neighbourhood or group based extended detention wetlands, vegetated waterways and overland flow zones or corridors;
- Measures to retain water on blocks and slow down the movement of water through the landscape, such as directing roof drainage to swales infiltration trenches and garden beds;
- Reuse of water on a block and neighbourhood scale including garden irrigation; and
- Building design and siting setbacks enabling swale and infiltration siting.

The ACT Planning and Land Authority has developed a detailed manual on appropriate WSUD measures and their implementation in the ACT, entitled *WaterWays Water Sensitive Urban Design General Code*. This manual will assist developers and builders to achieve the on block and neighbourhood outcomes specified in *Think water act water*. The *WaterWays Water Sensitive Urban Design General Code* is available from the ACT Planning and Land Authority.

For control of pollution during the development and building phase, the Environment Protection Guidelines for Construction and Land Development in the ACT are available from the Department of Territory and Municipal Services.

### 7.3 Licensing of water use

Protection of waterways from over-abstraction as opposed to pollution is provided by licences and permits issued under the *Water Resources Act 2007*.

The *Water Resources Act 2007* is a law that controls how we can access and use water directly from waterbodies including groundwater in the ACT. It provides a framework for the sustainable management of the Territory's water resources.

It aims to:

- Protect waterways and groundwater aquifers from damage and where practicable reverse any damage that has already occurred;
- Ensure that water resources are available to meet needs of future generations; and
- Protect the ecosystems that depend on those resources.

### 7.4 Working in Waterways and Construction of Dams

Under the *Water Resources Act 2007* a licence is required:

- To do works in a waterway that will affect the flow or may affect water quality or aquatic habitat
- Construct a dam greater than 2 megalitres in volume even if the dam is not in a waterway.

However, dams less than 2 megalitres in volume that are not in a waterway (ie. small dams not in an erosion gully, creek line, stream or river) do not need a licence.

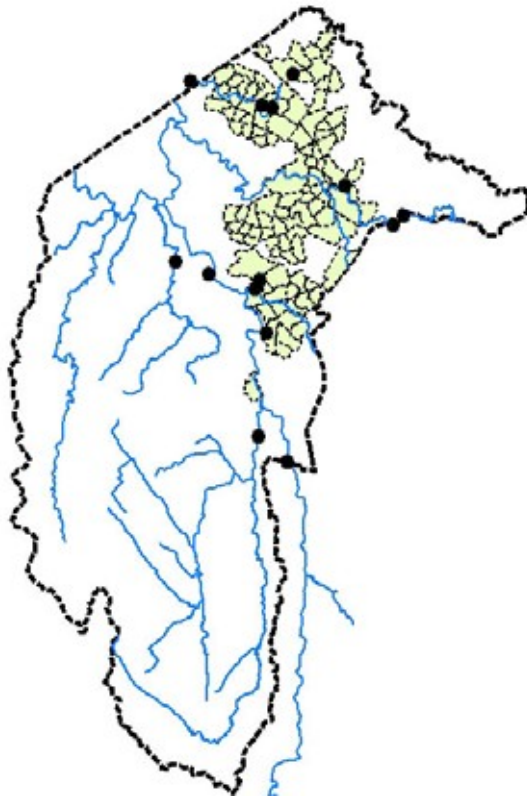
### 7.5 Monitoring

The ACT Government manages a monitoring program for the ACT's water resources that includes the collection of water quality under the *Water Resources Act 2007*, streamflow and biological data. The monitoring program is based on regular sampling of lakes and rivers. Such information is used to determine whether waters in the ACT are of appropriate quality and if the

management strategies used to achieve or maintain such water quality are adequate. The information is not intended to identify specific pollution incidents but rather provide information about changes to water quality over time. A summary of the information can be found in the ACT annual water report.

## 7.6 Sampling Sites

It is not possible to monitor all sites and all parameters of interest, consequently those considered most representative of environmental conditions are selected with the intention of generalising to similar areas. The illustration below shows the locations of the Water Quality Sampling Sites in the ACT Water Quality Monitoring Program.



## 8 MAINTAINING WATER QUALITY

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In accordance with general environmental duty outlined in Section 22 of the *Environment Protection Act 1997* everyone whose activities might cause environmental harm must take practicable and reasonable steps to prevent or minimise that harm.

Stormwater and road drains empty to our creeks, lakes and rivers without treatment. The Act aims to protect our aquatic environments by keeping stormwater as clean as possible.

Stormwater can carry pollution to our creeks, lakes and rivers. Run-off from cities can be of poor quality because of the large number of pollution sources. Litter and rubbish are usually the most visible form of stormwater pollution.

Contaminants such as soil, nutrients, oil and grease, cigarette butts, animal faeces, detergents, organic matter, residual chemicals and excess fertilisers all add up to cause a significant impact on the environment. This can result in fish kills, algal blooms, unsafe swimming conditions, the accumulation of toxins in the aquatic animals in the ecosystems or unsightly waterways that degrade our parks and recreation areas.

To ensure that waste is prevented from entering the stormwater system, action should be taken to comply with the Act.

This part of the Water Quality EPP provides advice on how to improve stormwater quality through our activities so that our creeks, lakes and rivers will be healthier and cleaner.

In addition, the EPA has developed information sheets, guidelines and other EPPs that outline more specific steps for Canberra residents, businesses and industries. The information can be found at [www.tams.act.gov.au](http://www.tams.act.gov.au)

## 8.1 Business and Industry

Under Part 15 of the Act it is an offence to cause environmental harm or environment nuisance or place a pollutant where it could cause harm. Environmental harm is caused if a pollutant enters the environment which exceeds the prescribed measure or a prescribed pollutant enters the environment (Section 5 of the Act).

Part 4 of the Regulation relates specifically to water and describes water related offences, including pollutants entering waterways taken to cause environmental harm (Schedule 3) and ambient environmental standards for waterways (Schedule 4).

There are also strict liability offences under Part 4 of the Regulation which relate to the following:

- Prohibited substances entering a waterway;
- Building works waste entering a waterway or stormwater system;
- Areas near building work being kept clean;
- Entries and exits from land being kept stable;
- Run-off from washing vehicles or other things entering a waterway; and
- Discharge of stormwater into receiving waters.

Some examples of the control measures the person responsible for the activity should put in place to protect water quality and the environment and/or avoid committing an offence under the Act or Regulation are outlined below. The person responsible for the activity should note that other control measures may be necessary to achieve the same or better end results.

Businesses (including mobile and home businesses) should ensure that the products and waste they produce are not allowed to enter the stormwater system.

The person responsible for the activity should assess the needs of their business and implement appropriate environmental management measures. Examples include:

- Carry out handling, storing and managing of waste in a way that ensures it does not enter the stormwater system.
- Dispose of waste appropriately. Some waste will require the use of a hazardous waste contractor.
- Ensure internal drains on your premises drain to the sewer. Your business will require a trade waste permit from ACTEW to discharge wastewater to sewer. Contact ACTEW on 131 493 for more information.
- Install a physical barrier such as a cut-off drain at the entry or exit to the work area to contain waste within the work area. The drain must not be connected to the stormwater system.
- Install a silt pit that collects settleable solids to stop materials like mud or dirt from entering the stormwater system.
- Ensure that equipment is regularly maintained.
- Ensure that uncontaminated rainwater is directed away from potentially contaminated areas, such as storage and washing areas.
- Keep footpath, gutter and external areas near your business free from litter. Do not sweep anything into gutters or drains.
- Ensure that rainwater from guttering and all unroofed areas is directed to the stormwater system and not to the sewer. Illegal connection of stormwater to the sewer can result in overflows of raw sewage that can harm waterways.
- Ensure under roofed areas are connected to sewer (only with ACTEW approval).
- Ensure that any washing of vehicles or equipment is carried out in a roofed washdown area connected to sewer (only with ACTEW approval).
- Ensure you comply with ACT NOWaste Development Control Code for Best Practice Waste Management in the ACT.
- Store chemicals within a bunded roofed area to protect the stormwater system in case of leaks and spills.
- Keep a spill kit on site if the activity may result in a spillage. For small risk businesses, this can be any absorbent material including vermiculite or lime, but a larger, commercially available spill kit may be needed depending on the environmental risk at the site.
- Clean up after the activity by sweeping or other dry cleaning method, not by washing down with water.
- Hazardous material should be collected and disposed of in an appropriate manner as outlined in the Hazardous Materials EPP.
- Control dust from your site by lightly sprinkling with water when necessary.
- Ensure that all personnel can clearly identify the drains which enter the stormwater system and are aware of their environmental responsibilities.

- Display a site plan showing all stormwater and sewer connections on site as well as locations of pollution control equipment or measures to make sure quick decisions on remedial action can be taken if a spill occurs.
- Secure the premises, and especially restrict public access to storage areas.

In addition, mobile businesses should:

- Bund the area or otherwise protect stormwater during the activity and until the area is cleaned up.
- Immediately clean up and remove all waste generated from the activity and dispose of properly - these wastes should not enter the stormwater system.
- Keep a spill kit nearby when conducting the activity.

## 8.2 Environmental Management Instruments

The Act creates a number of environmental management instruments, such as environmental authorisations and environmental protection agreements. An explanation of general policies on the use of these instruments are described in Section 9 of the General EPP. Instruments which are of particular interest in relation to water are outlined briefly below.

### 8.2.1 Environmental Authorisations

Class A activities are those listed in Schedule 1 of the Act which are not to be undertaken unless the activity manager holds an environmental authorisation. Water protection is detailed under the standard conditions of the environmental authorisation.

In granting an environmental authorisation in accordance with Section 49 of the Act, the EPA will consider the:

- Environmental values of the waterways as described in the Regulation;
- Guidelines and standards as described in the Regulation and this EPP; and
- Need to minimise discharges to the environment.

### 8.2.2 Environmental Protection Agreements

Class B activities are those listed in Schedule 1 of the Act which require that the activity manager hold an environmental authorisation unless they are a party to an environmental protection agreement. Water protection is detailed in an environmental protection agreement.

### 8.2.3 Other environmental management instruments

Three other environmental management instruments which may be used to manage water quality are:

- An emergency plan which deals with the foreseeable but unplanned entry into the environment of unauthorised pollutants, where that may cause serious or material environmental harm.

- An environment protection order which is issued by the EPA when the EPA is satisfied that the person has breached the Act or an authorisation condition.
- An environment improvement plan which is a formal plan to improve the environmental performance of an activity and achieve best environmental practice over time.

The other environmental management instruments, environmental audits and financial assurances are unlikely to be used in managing water quality.

### 8.3 Infringement Notices

Infringement notices are issued for offences against the Act and the Regulation. An explanation of infringement notices and their use are described in section 10.2 of the General EPP. The approach of the EPA is generally to issue infringement notices only after education and warnings have not been successful, refer to section 4 of this EPP for the EPA enforcement policy. However, in cases of blatant disregard for the environment an infringement notice will be used immediately if it is the appropriate enforcement instrument.

### 8.4 Rural activities

If rural activities include Class A and B activities, an environmental authorisation or environmental protection agreement is required for that activity, as outlined above. Other rural activities may have a negative effect on water quality as well. Ensure all steps are taken to protect water quality including provision for:

- Riparian buffer strips;
- Permanently grassed drainage depressions;
- Limiting stock access to reduce impact on critical areas such as buffer strips and stream banks;
- Practices such as direct drilling and contour ploughing and ripping; and
- Rehabilitation of land degradation.

### 8.5 Septic/Sub-soil Sewage Disposal Systems

It is the policy of the EPA that installation and operation of a septic/sub-soil sewage disposal system must be in accordance with Australian/New Zealand Standard 1547-2000, On-site domestic-wastewater management.

For installation of waterless composting toilets, also refer to Guidelines for Approval of Waterless Composting Toilets in Domestic Premises, ACT Health.

Discharge has to meet Schedule 4 of the Regulation.

It is also the policy of the EPA that these systems must be located at minimum distances from watercourses as follows:

- Not closer than 50 metres to the bank full discharge level of any surface waters nor closer than 300 metres, if such surface waters are a source of potable water supply; and
- Not closer than 1.5 metres from the groundwater table.

## 9 GLOSSARY

The definitions of the terms listed in this Glossary are provided to assist in reading this EPP. For the formal legal definition of the terms marked with an asterisk (\*), refer to Section 3 of the Act.

<i>Term</i>	<i>Definition</i>
Bund	Impervious barrier installed to prevent spills or substances moving out of a controlled area.
Environmental Authorisation*	A form of licence to conduct an activity which has a significant potential to cause environmental harm.
Environmental Protection Agreement*	A formal, but non-contractual, agreement between the EPA and a business.
EPA	Environment Protection Authority – a statutory office established under Part 2 of the Act to Administer the Act.
EPP*	Environment Protection Policy
Physical barrier	A physical barrier is a means to stop materials which can pollute from moving out of a specific area. This can be in the form of bunding or a cut-off drain. The requirement for bunding depends on the type of activity performed in the area. The type of barrier is determined by whether the activity is temporary or permanent and how difficult the type of pollutant it is to contain.
Site plan	A site plan showing locations of all pollution controls for that premises including all stormwater and sewer connections. Where required, activity managers should display this plan on site.
Spill kit	A spill kit is any type of material that has the capability to absorb or contain the particular materials which can cause pollution in the event of emergency. The size and type of the kit is dependent on the risk of environmental harm from spills arising from an activity.
Stormwater	Stormwater means water run-off from an urban area that is normally collected by the stormwater system.
Stormwater system	Stormwater system means a system of pipes, gutters, drains, floodways and channels, being public works constructed to collect or transport stormwater in or through an urban area.



Term	Definition
Washdown area	A washdown area is a designated area for cleaning or washing activities. Material waste collected from this area must not be discharged to the stormwater system and is normally recycled or discharged to sewer (only with ACTEW approval).
Waste storage	Waste should be stored in an appropriate manner so there is no risk of contaminating stormwater. This can include covering and or bunding. Waste should not be allowed to accumulate and should be disposed of appropriately. Refer to the <i>Dangerous Goods Act 1984</i> for storage of hazardous materials.
Waterway*	<p>(a) a river, creek, stream or other natural channel in which water flows (whether permanently or intermittently); or</p> <p>(b) the stormwater system or any other channel formed (whether in whole or part) by altering or relocating a waterway mentioned in paragraph (a); or</p> <p>(c) a lake, pond, lagoon or marsh (whether formed by geomorphic processes or by works) in which water collects (whether continuously or intermittently);</p> <p>and includes</p> <p>(d) the bed that the water in the waterway normally flows over or is covered by; and</p> <p>(e) the banks that the water in the waterway normally flows between or is contained by;</p> <p>but does not include land normally not part of the waterway that may be covered from time to time by floodwaters from the waterway.</p>

## 10 REFERENCES

- ACT Code of Forest Practice, Environment ACT, August 2005
- Volume 1 of Managing Urban Stormwater: Soils and Construction (Landcom, 2004)
- ACT Environmental Guidelines for Service Station Sites and Hydrocarbon Storage, Environment ACT, February 2002
- Australian/New Zealand Standard 1547-2000, On-site domestic-wastewater management
- ACT EPA Information Sheets
- General Environment Protection Policy, ACT EPA, August 2007

- Waste Water Reuse Environment Protection Policy, ACT EPA, July 1999
- Contaminated Sites Environment Protection Policy, ACT EPA, November 2000
- Hazardous Materials Environment Protection Policy, ACT EPA, December 2000
- Guidelines for the Preparation of an Environmental Management Plan, ACT EPA, September 2004
- ACT Commercial Waste Code of Practice, ACT EPA, October 1998
- Draft Motor Trades Code of Practice, ACT EPA, October 1998
- ACT Environment and Health Wastewater Reuse Guidelines, ACT Government, April 1997
- Development Control Code for Best Practice Waste Management in the ACT, ACT NOWaste, September 1999
- Environment Protection Measures for Construction and Land Development in the ACT, EPA, 2007
- Thinkwater actwater: A strategy for sustainable water resource management in the ACT, ACT Government, April 2004
- Water Sustainable Urban Design: Guidelines for sustainable development in Canberra
- Greywater Use: guidelines for residential properties in Canberra
- Photographic Industry Code of Practice, Photographic Uniform Regulations for the Environment, May 2003

Documents and Guidelines for the National Water Quality Management Strategy – released by Australian and New Zealand Environment and Conservation Council and Agriculture and Resource Management Council of Australia and New Zealand:

- Australian and New Zealand Guidelines for Fresh and Marine Water Quality, 2000
- Australian Drinking Water Guidelines, 2004
- Guidelines for Groundwater Protection in Australia, September 1995
- Rural Land Uses and Water Quality – A Community Resource Document
- Guidelines for Urban Stormwater Management

- Guidelines for Sewage Systems
  - Effluent Management
  - Acceptance of Trade Waste (Industrial Waste)
  - Sludge (Biosolids)
  - Use of Reclaimed Water
  - Sewerage System Overflows (Draft)
- Effluent Management Guidelines for Dairy Sheds
- Effluent Management Guidelines for Dairy Processing Plants
- Effluent Management Guidelines for Intensive Piggeries
- Effluent Management Guidelines for Aqueous Wool Scouring and Carbonising
- Effluent Management Guidelines for Tanneries and Related Industries
- Effluent Management Guidelines for Wineries and Distilleries