

1994—No. 114

**CLEAN WATERS ACT 1970—REGULATION**

(Relating to standards for waters and testing procedures)

NEW SOUTH WALES



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HIS Excellency the Governor, with the advice of the Executive Council, and in pursuance of the Clean Waters Act 1970, has been pleased to make the Regulation set forth hereunder.

CHRISTOPHER HARTCHER, M.P.,  
Minister for Environment.

The Clean Waters Regulations 1972 are amended:

(a) by inserting after Regulation 3 (2) the following clauses:

(3) For the purposes of Regulation 8, the nature or concentration in waters or wastes of any matter is to be determined in accordance with any applicable condition of a licence that specifies the procedures or methods to be used by the licence holder concerned, or if there is no applicable condition, in accordance with any procedures or methods determined in writing for that purpose by the Authority.

(4) Without limiting clause (3), the procedures or methods that may be specified include the use of sampling procedures or methods of statistical analysis.

(5) In the event of any inconsistency between the requirements of clauses (1) and (3), the requirements of clause (3) prevail to the extent of that inconsistency.

(6) The Authority is to make available to any person on request a copy of any determination made under clause (3).

(b) by omitting paragraph (i) of the matter relating to Class P waters in Regulation 8 and by inserting instead the following paragraph:

(i) wastes are not to be discharged if the concentration of any restricted substance (other than Nitrogen (ammonia)) in the wastes exceeds the concentration specified opposite that substance in Schedule 2 or, in the case of Nitrogen (ammonia), the concentration exceeds 2 milligrammes per litre;

(c) by inserting after Regulation 9 the following Regulation:

**Exemption for certain protected waters**

10. (1) Section 11 (3) of the Act in its application to the standard relating to protected waters made under that subsection and set out in paragraph (c) of the matter relating to Class P waters in Regulation 8, and that standard, do not apply to the discharge of overflows from outlets in sewers, wastes pumping stations, treatment works or other parts of a sewerage system servicing urban areas in Picton, Tahmoor, Thirlmere, Moss Vale, Mittagong, Bulahdelah, Karuah, Tanilba Bay, Mallabula or Lemon Tree Passage, if:

- (a) the discharges are approved by the Authority; and
- (b) the discharges are in accordance with approved conditions.

(2) In determining whether to approve a discharge and the conditions to be approved, the Authority must consider the following matters:

- (a) the amount and frequency of the discharge concerned;
- (b) the practical measures that may be taken to prevent or reduce the discharge;
- (c) the likely impact of the discharge on the protected waters;
- (d) the impact on the environment of the approval or of not approving the discharge or conditions.

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**EXPLANATORY NOTE**

The object of this Regulation is to amend the Clean Waters Regulations 1972 so as to permit the Authority to approve, subject to conditions, the discharge of certain overflows into protected waters and to make other amendments relating to protected waters and testing for the presence of substances in waters and wastes.

In particular, the amendments:

- (a) require testing for compliance with Regulation 8 (which relates to standards for cleanliness of classes of waters) to be carried out in accordance with any applicable conditions of a pollution control licence held by the person concerned or, if there is no applicable condition, in accordance with conditions approved by the Environment Protection Authority; and
- (b) change the concentration of Nitrogen (ammonia) which may be permitted in wastes discharged into protected waters; and
- (c) permit the discharge of overflows from outlets in a sewerage system servicing urban areas in Picton, Tahmoor, Thirlmere, Moss Vale, Mittagong, Bulahdelah, Karuah, Tanilba Bay, Mallabula or Lemon Tree Passage, into protected waters, if the discharge is approved by, and is in accordance with conditions approved by, the Environment Protection Authority.

The Regulation is made under power conferred by section 11 and section 36 of the Clean Waters Act 1970.

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