Water Industry Act 1994

STATEMENT OF OBLIGATIONS

As amended at 30 October 2008

I, John Thwaites, Minister for Water, Environment and Climate Change, as Minister administering the **Water Industry Act 1994**, pursuant to section 8 of the **Water Industry Act 1994,** make and issue the attached Statement of Obligations to City West Water Limited.

JOHN THWAITES MP

Minister for Water, Environment and Climate Change

Water Industry Act 1994

STATEMENT OF OBLIGATIONS

CITY WEST WATER LIMITED

INDEX

PART 1 PRELIMINARY

1 Commencement and Term
2 Authorising Provision
3 Purpose
4 Interpretation
5 Availability of *Statement*

PART 2 GENERAL

6 Guiding Principles

PART 3 THE WATER PLAN

7 Preparation and Delivery
8 Procedural Requirements

PART 4 GOVERNANCE AND RISK MANAGEMENT

9 Board Performance
10 Customer and Community Engagement
11 Consulting other Authorities
12 Managing Risks
13 Responding to Incidents and Emergencies
14 Managing Assets

PART 5 PLANNING AND SERVICE DELIVERY

15 Conserving and Recycling Water
16 Metropolitan Water Conservation and Recycling Plan
17 Water Supply-Demand Strategy
18 Metering
19 Responding to Drought
20 Sewerage Services to Unsewered Urban Areas
21 Sewerage Connections to Properties
22 Trade Waste

PART 5 PLANNING AND SERVICE DELIVERY (cont.)

23 Regional and Local Government Planning
24 Research and Knowledge
25 Sustainable Management
26 Sustainable Water Strategy

PART 6 ENVIRONMENTAL MANAGEMENT

27 Environmental Management System
28 Blue-Green Algal Blooms
29 River and Aquifer Health
30 Monitoring River Health

PART 7 PAYMENT SCHEMES AND CONTRIBUTIONS

31 Providing Concessions and Rebates
32 Smart Water Fund

PART 8 COMPLIANCE

33 Complying With Obligations
34 Compliance Audits
35 Other Audits and Reviews

SCHEDULES

A Definitions
B Trade Waste Acceptance Standards

STATEMENT OF OBLIGATIONS

PART 1 - PRELIMINARY	
1	**Commencement and Term**
	This Statement of Obligations commences on 1 July 2007 and operates until it is revoked.
2	**Authorising Provision**
	This Statement of Obligations is issued by the *Minister* for Water under section 8 of the **Water Industry Act 1994.**
3	**Purpose**
	The purpose of this *Statement* is to impose obligations on the *Licensee* in relation to the performance of its functions and exercise of its powers.
4	**Interpretation**
4.1	The definitions of the terms contained in Schedule A to this *Statement* apply in this *Statement*.[1]
4.2	The following rules also apply in interpreting this *Statement*, except where the content makes it clear that a rule is not intended to apply. (a) Terms defined in the **Water Act 1989** and **Water Industry Act 1994** have the same meaning in this *Statement*. (b) Whenever this *Statement* requires the *Licensee* to make something "available to the public", the *Licensee* must: (i) publish that thing on the *Licensee*'s website; and (ii) make a copy of the thing available for inspection at each of the *Licensee*'s offices; and (iii) provide a copy on request at no charge or, where providing the copy involves a significant cost to the *Licensee*, for a charge that covers the fair and reasonable costs of making the copy available. (c) Whenever this *Statement* requires a *Licensee* to "develop" something, the *Licensee* must be taken to have complied with that obligation if it has already developed the thing before this *Statement* commenced.
5	**Availability of Statement**
	The *Licensee* must make this *Statement* available to the public.
PART 2 – GENERAL	
6	**Guiding Principles**
	In performing its functions and providing its services the *Licensee* must: (a) manage water resources in a sustainable manner; and (b) effectively integrate economic, environmental and social objectives into its business operations; and

[1] Terms used in this *Statement* that are defined in Schedule A have been italicised.

	(c) minimise the impacts of its activities on the environment; and (d) manage risk to protect public safety, quality and security of supply; and (e) operate as efficiently as possible consistent with sound commercial practice; and (f) manage its business operations to maintain the long-term financial viability of the *Licensee*; and (g) undertake continuous review, innovation and improvement; and (h) collaborate with other public authorities and government agencies to take account of regional needs**.**
PART 3 - THE WATER PLAN	
7	**Preparation and Delivery of a Water Plan**
7.1	The *Licensee* must develop a *Water Plan* that complies with the requirements of this *Statement* for the purpose of enabling the *Commission* to make a decision with respect to the *Price* for *Prescribed Services* in respect of the *Regulatory Period*.
7.2	The *Licensee* must deliver the *Water Plan* to the *Commission* by 5 November 2008.
7.3	The *Licensee* must include in the *Water Plan*: (a) outcomes to be delivered with respect to: i. *Standards and Conditions of Services and Supply;* ii. meeting future demands on the *Licensee's* services; and iii. complying with any obligations specified in this *Statement*, a *Regulatory Obligation* and other obligations imposed by or under legislation; and (b) a description of how the *Licensee* proposes to deliver those outcomes; and (c) the *Licensee's* revenue requirements in the *Regulatory Period*; and (d) the proposed *Price* to be charged for each of the *Licensee's Prescribed Services*.
8	**Procedural Requirements**
8.1	The *Licensee* must consult: (a) each *Regulatory Agency* on outcomes to be included in the *Water Plan* that relate to a *Regulatory Obligation*; and (b) the *Commission* on *Standards and Conditions of Service and Supply* to be included in the *Water Plan*."
8.2	In developing the *Water Plan* the *Licensee* must consult with the *Department* on matters to be included in the *Water Plan* that relate to the performance of the *Licensee's* functions and the obligations included in this *Statement*.
PART 4 – GOVERNANCE AND RISK MANAGEMENT	
9	**Board Performance**
	The *Licensee* must annually review and report to the *Minister* and the Treasurer on the performance of the Board of the *Licensee*.
10	**Customer and Community Engagement**

10.1	The *Licensee* must develop and implement open and transparent processes to engage its customers and the community in its planning processes to ensure, among other matters, that the services it provides reflect the needs and expectations of customers.
10.2	The *Licensee* must: (a) make available to the public, information about the water supply, sewerage and recycled water services it provides; and (b) make available to the public, information about water conservation and the efficient and responsible use of water; and (c) make available to schools in its area, educational material about water conservation and the efficient and responsible use of water, at no charge or, for educational material that involves a significant cost to the authority, at a charge that covers the fair and reasonable costs of making the material available.
11	**Consulting other Authorities**
11.1	The *Licensee* must consult *Melbourne Water*: (a) about operational issues which affect or may affect both the *Licensee* and *Melbourne Water*; and (b) when assessing and prioritising risks which may have an effect on *Melbourne Water*; and (c) when forecasting future demand by the *Licensee* for water supply and sewage treatment works; and (d) about the *Licensee*'s strategies to service growth in customer demand for water and sewage treatment; and (e) about strategic issues related to long term security of water supplies; and (f) when devising and implementing innovation and research programs on matters of common interest.
11.2	The *Licensee* must consult effectively with the other *Licensee*s and *Melbourne Water* to co-ordinate, and prevent duplication of, information and educational material referred to in sub-clause 10.2.
12	**Managing Risks**
	The *Licensee* must develop and implement plans, systems and processes, having regard to the Australian/New Zealand Standard AS/NZS 4360 – Risk Management, as revised from time to time, to ensure that risks to the *Licensee*'s assets or services are identified, assessed, prioritised and managed.
13	**Responding to Incidents and Emergencies**
13.1	The *Licensee* must ensure an emergency management plan under section 78B of the **Water Industry Act 1994** complements and is consistent with comparable plans of other *Licensee*s and *Melbourne Water*.
13.2	The *Licensee* must undertake such periodic training and exercises as may be necessary to ensure that an emergency management plan can be implemented effectively.
14	**Managing Assets**
14.1	The *Licensee* must develop and implement plans, systems and processes to manage its assets in ways which: (a) allow the *Licensee* to supply its services sustainably; and

	(b) maintain the levels and standards of service; (i) specified by the *Commission* in a Code issued under section 4F of the **Water Industry Act 1994**; or (ii) included in a *Water Plan* and approved by the *Commission*; and (c) minimise the overall whole of life costs of assets; and (d) minimise detrimental social, economic or environmental effects of managing its assets.
14.2	The *Licensee* must develop and maintain a comprehensive database of all relevant asset information, including the condition and performance of its assets.
PART 5 - PLANNING AND SERVICE DELIVERY	
15	**Conserving and Recycling Water**
15.1	To implement sustainable water resource management the *Licensee* must develop and implement programs for: (a) assessing and monitoring available water supplies; (b) assessing and monitoring future demands on water supplies; (c) the efficient and effective management of demand for water; (d) reducing leakage and minimising other losses of water from its works to an economically sustainable level; (e) identifying opportunities to substitute, and if appropriate substituting, potable supplies with water from alternative sources that are fit for purpose; and (f) the sustainable use of recycled water.
15.2	Programs developed by the *Licensee* under sub-clause 15.1 must (a) specify objectives to be achieved and measures for monitoring performance in accordance with any written directions issued by the *Minister* for that purpose; and (b) in relation to total dissolved solids at Western Treatment Plant, be consistent with the salinity reduction strategy for the Western Treatment Plant jointly developed by the *Licensee* and *Melbourne Water.*
15.3	The *Licensee* must develop water management plans with those of its customers that have been identified by the *Licensee*s as being large industrial/commercial water users in the licence areas of the *Licensee* and *other licensees*.
16	**Metropolitan Water Conservation and Recycling Plans**
16.1	Programs developed by the *Licensee* under sub-clause 15.1 must be consistent with the *Metropolitan Water and Conservation Recycling Plans*.
16.2	In conjunction with *Other licensees* and *Melbourne Water*, the *Licensee* must regularly review and revise the *Metropolitan Water and Conservation Recycling Plans*.
16.3	The *Licensee* must promptly give the *Minister* a copy of the *Metropolitan Water and Conservation Recycling Plans* after any revision.
16.4	The *Licensee* must make any variation to its *Metropolitan Water and Conservation Recycling Plans* requested in writing by the *Minister* after consultation with the Treasurer.
17	**Water Supply Demand Strategy**

17.1	By 31 March 2007, and within each five years thereafter, the *Licensee*, in conjunction with the *other licensees* and *Melbourne Water*, must develop a joint *Water Supply Demand Strategy* to identify the best mix of demand measures and supply options for its urban supply systems.
17.2	The *Water Supply Demand Strategy* referred to in sub-clause 17.1 must: (a) include water conservation targets established by the Licensees, in conjunction with the *other licensees* and *Melbourne Water*; and (b) be developed in accordance with any written guidelines issued by the *Department*, after consultation with the Department of Treasury and Finance, for that purpose.
18	**Metering**
	The *Licensee* must meter all new water use.
19	**Responding to Drought**
19.1	The *Licensee* must not agree to any amendment to, or revocation or replacement of, the *Drought Response Protocol*, without obtaining the prior written consent of the *Minister*.
19.2	The *Licensee* must ensure a *Drought Response Plan* complements and is consistent with comparable plans of other *Licensee*s and *Melbourne Water*.
19.3	The *Licensee* must review and, if necessary, amend its *Drought Response Plan* in accordance with the *Drought Response Protocol*.
19.4	In times of actual or anticipated shortage, the *Licensee* must cooperate with the other *Licensee*s and with *Melbourne Water* to jointly provide information requested by the *Secretary* regarding the implementation of *Drought Response Plan*s in the form and manner requested.
20	**Sewerage Services to Unsewered Urban Areas**
20.1	The *Licensee* must participate with municipal councils in the development of *Domestic wastewater management plan*s.
20.2	If reticulated sewerage services have been identified in a *Domestic wastewater management plan* as the preferred option for improved domestic wastewater management, the *Licensee* must develop a sewerage management plan in conjunction with the Environment Protection Authority and relevant municipal council, and in consultation with the local community that: (i) identifies the preferred types and levels of sewerage services to be provided together with costs and funding options; (ii) identifies priorities and possible timelines for the provision of services; (iii) identifies how the wastewater collected, including biosolids, will be sustainably managed; and (iv) provides for a regular review of the plan and priority areas for sewering.
20.3	Subject to the *requirement for capital projects*, the *Licensee* must implement any program of works for the provision of sewerage services identified in the sewerage management plan prepared under sub-clause 20.2 that has been: (a) included in a *Water Plan* for which the *Commission* has approved or specified *Price*s; or (b) included in a corporate plan adopted by the *Licensee*; or (c) approved by the *Minister*, after consultation with the Treasurer.

20.4	If a program approved by the *Minister* referred to in sub-clause 20.3 includes a contribution from the owner of a property for the provision of sewerage services, the *Licensee* cannot recover more than the amount of that contribution from the owner.
21	**Sewerage Connections to Properties**
	The *Licensee* must take all reasonable steps to ensure that a property provided with a sewerage service: (a) included in a sewerage management plan developed in conjunction with the Environment Protection Authority and relevant municipal council, and in consultation with the local community; or (b) provided in the interests of health or the environment after consultation with the Environment Protection Authority, a municipal council or the Chief General Manager within the meaning of the **Health Act 1958**, is connected to the *Licensee*'s sewerage works, unless the owner of a property can demonstrate that wastewater can be sustainably reused on site in accordance with guidelines issued by the Environment Protection Authority.
22	**Trade Waste**
22.1	The *Licensee* must develop policies and practices to manage trade waste: (a) to protect its sewerage systems, including treatment works and processes, and the health and safety of the public and of people working in or operating those systems; and (b) to minimise environmental impacts consistent with any licence issued under the **Environment Protection Act 1970**; and (c) improve the quality of trade waste entering its sewerage systems in order to maximise opportunities for the reuse of wastewater and biosolids.
22.2	In developing trade waste management policies and practices, the *Licensee* should be guided by the waste management hierarchy principle set out in section 1I of the **Environment Protection Act 1970**.
22.3	The *Licensee* must develop and implement systems for managing compliance with trade waste agreements between the *Licensee* and customers.
22.4	The *Licensee* must enter into a trade waste agreement at the request of an occupier of land within its licence area if the relevant trade waste will comply with the *Trade Waste Acceptance Standards* in Schedule B to this *Statement* unless entry into the agreement would, in the *Licensee*'s reasonable opinion, result in the *Licensee* failing to comply with an Environment Protection Authority licence or to meet its obligations under the *Bulk Sewage Agreement*.
22.5	Before entering into a trade waste agreement for trade waste that does not comply with the *Trade Waste Acceptance Standards* and that will be discharged into a *Melbourne Water* treatment plant, the *Licensee* must consult with *Melbourne Water* or, if required by the *Bulk Sewage Agreement*, obtain *Melbourne Water*'s consent.
23	**Regional and Local Government Planning**
23.1	The *Licensee* must participate in and support the development and implementation of any Regional Catchment Management Strategy or catchment sub-strategy or Regional River Health Strategy which may affect, or be affected by, the *Licensee*'s activities.
23.2	The *Licensee* must participate in and support the development and implementation of any municipal planning scheme, local planning policy framework or municipal strategic statement which may affect, or be affected by, the *Licensee*'s activities.

23.3	A principal objective of the *Licensee*'s participation will be to promote consistency of any strategy or any scheme with its planning and programs for sustainable water management.
24	**Research and Knowledge**
	The *Licensee* must: (a) identify the *Licensee*'s research needs; (b) prioritise the research needs identified; and (c) identify how the Licensee proposes to meet its research needs.
25	**Sustainable Management**
25.1	The *Licensee* must:: (a) in performing its functions, exercising its powers and carrying out its duties, apply the *Sustainable Management Principles*; and (b) demonstrate in its *Water Plan* how the *Licensee* proposes to apply those principles.
25.2	In applying the *Sustainable Management Principles* the *Licensee* must develop and implement programs for assessing, monitoring and continuously improving the *Licensees* sustainability performance including: (a) responding to climate change; (b) maintaining and restoring natural assets: (c) using resources more efficiently; and (d) managing everyday environmental impacts; and must include those programs in its *Water Plan*
26	**Sustainable Water Strategy**
	The *Licensee* must: (a) manage its demand and supply balance to ensure it can meet current demand plus a buffer of contingency water equivalent to seven years growth in demand for urban areas; (b) develop a program of works or initiatives to secure water supplies beyond seven years: and (c) ensure that the program of works or initiatives is consistent with any government sustainable water strategy and subject to customer consultation on the costs and benefits of different demand management and supply initiatives.
PART 6 - ENVIRONMENTAL MANAGEMENT	
27	**Environmental Management System**
	The *Licensee* must develop and implement an Environmental Management System which; (a) must be in accordance with the following standards from the Standards Australia AS/NZS ISO 14000 Series of Environmental Management Systems Standards: (i) AS/NZS ISO 14001: – Environmental Management Systems – Requirements with Guidance for Use; and (ii) AS/NZS ISO 14004:– Environmental Management Systems – General Guidelines on Principles, Systems and Support Techniques; but (b) need not be accredited under those standards.

28	**Blue-Green Algal Blooms**
28.1	The *Licensee* must report any blue-green algal blooms impacting on water supply services to: (a) the Department of Human Services; and (b) the relevant *Convening Agency*.
28.2	If the *Licensee* is a *Convening Agency*, the *Licensee* must: (a) develop and maintain on an annual basis a contingency plan for regional blue-green algal blooms; and (b) undertake its duties as a *Convening Agency* in accordance with that contingency plan.
29	**River and Aquifer Health**
29.1	The *Licensee* must manage the impact of its activities on any waterway, aquifer or wetland to minimise environmental impacts on and risks to the aquatic ecosystem.
29.2	When the *Licensee* renews or carries out major works on a dam or existing structure on a waterway, or constructs a new structure on a waterway, the *Licensee* must ensure that (a) it is renewed or constructed so that: (i) the dam or structure does not pose a barrier to native fish movement; and (ii) water releases do not pose an environmental risk through variations of temperature, dissolved oxygen, sediment, nutrients or other substances; and (iii) adequate offtakes are provided for environmental flows, or (b) if it is not practicable to comply with paragraph (a), it is renewed or constructed in accordance with a plan of works approved by the *Secretary*.
30	**Monitoring River Health**
30.1	The *Licensee* must monitor the impact of its activities on waterways, and wetlands, including the impact of dams on the thermal regime of waterways.
30.2	The *Licensee* must make available to the public: (a) water quality and flow data compiled by the *Licensee* relating to waterways; or (b) if the data is available from a central data agency, relevant contact details for that agency.
PART 7 - PAYMENT SCHEMES AND CONTRIBUTIONS	
31	**Providing Concessions and Rebates**
	The *Licensee* must administer the following Government-funded programs, as applicable, in accordance with their respective requirements: (a) Utilities Relief Grants Scheme; (b) Concessions for water service and usage charges and sewerage service and sewage disposal charges; (c) Water concession on Life Support Machines – Haemodialysis; (d) Hardship Relief Grant Scheme (Sewerage Connection Scheme); and (e) Water and Sewerage Rebate Scheme.
32	**Smart Water Fund**

	The *Licensee* must participate in and contribute funds to the *Smart Water* Fund.
PART 8 – COMPLIANCE	
33	**Complying with Obligations**
33.1	The *Licensee* must monitor compliance with its obligations under Parts 4 to 7 inclusive of this *Statement*.
33.2	If the *Licensee* becomes aware of a material failure to comply with its obligation under Parts 4 to 7 of this *Statement*, the *Licensee* must give the *Minister* a written report, within 30 days after becoming aware of the failure, that includes: (a) the nature of and reason for the failure; and (b) a proposed plan of action to prevent the failure re-occurring.
33.3	The *Licensee* must make any variation to the plan of action referred to in sub-clause 33.2 requested in writing by the *Minister*.
33.4	The *Licensee* must: (a) implement the plan of action referred to in sub-clause 33.2, as varied by the *Minister*; and (b) report its progress in implementing the plan, whenever the *Minister* requests in writing; and (c) summarise the contents of any report made under sub-clause 33.2 and its progress in implementing the plan in its annual report.
34	**Compliance Audits**
34.1	The *Licensee* must, when requested by the *Commission*, at intervals of not more than once in twelve months, arrange for an audit of its compliance with: (a) clause 14 of this *Statement*; and (b) such other obligation under Parts 4 to 7 of this *Statement* that the *Commission* has been requested by the *Minister* to audit.
34.2	The *Licensee* must ensure that any audit under sub-clause 34.1 is: (a) conducted by an independent auditor nominated by the *Licensee* and approved by the *Commission*; and (b) conducted in accordance with any guidelines issued by the *Commission*.
34.3	The *Licensee* must ensure that a copy of the auditor's final report is provided to both the *Commission* and the *Minister*.
34.4	The *Minister* may, at any time, require the *Licensee* to report to the *Minister* in writing on action taken by the *Licensee* on any matter: (a) contained in an auditor's report; and (b) specified by the *Minister* in writing.
35	**Other Audits and Reviews**
	The *Licensee* must, when requested by the *Minister*, after consultation with the Treasurer, arrange for an audit or review of any matter specified by the *Minister* in relation to the performance of its functions and the exercise of its powers.

SCHEDULE A

DEFINITIONS

The following definitions apply:

"ANCOLD Guidelines" means the Guidelines issued by the Australian National Committee on Large Dams Inc.

"Bulk Sewage Agreement" means the agreement between the *Licensee* and *Melbourne Water* for the bulk transfer, treatment and disposal of sewage.

"Commission" means the Essential Services Commission.

"Convening Agency" means an Authority listed as a Convening Agency in Circular No. 287 Blue-Green Algae – Co-ordination Arrangements for 2002-2003 and Related Matters as issued by the *Department*.

"Department" means the Department of Sustainability and Environment.

"Domestic wastewater management plan" means a plan developed by a municipal council for the purposes of clause 32(2)(e) of State environment protection policy No S-13 (Waters of Victoria) 1988.

"Drought Response Protocol" means the protocol of that name executed by the Licensee, the other Licensees and Melbourne Water, in 2001.

"Drought Response Plan" means a Drought Response Plan prepared under section 78B of the Water Industry Act 1994.

"Licensee" means City West Water Limited.

"Melbourne Water" means Melbourne Water Corporation.

"Metropolitan Water Conservation and Recycling Plan" means the plan or plans jointly developed by Melbourne Water, the Licensee and the Other licensees to reduce Melbourne's drinking water use by 15% per capita by 2010 and to recycle 20% of Melbourne's wastewater by 2010

"Minister" means the Minister administering the **Water Industry Act 1994**.

"Other licensees" means South East Water Limited and Yarra Valley Water Limited.

"Prescribed Services" means the services specified in the Water Industry Regulatory Order, as Prescribed Services in respect of which the Commission has the power to regulate Prices.

"Price" includes the manner in which such Prices are to be calculated or otherwise determined.

"Regulatory Agency" means the Environment Protection Authority, the Secretary to the Department of Human Services, and the *Commission*;

"Regulatory Obligation" means

(i) in relation to the Environment Protection Authority, an obligation imposed by or under the **Environment Protection Act 1970***;*

(ii) in relation to the *Commission*, an obligation imposed by or under a Code made under section 4F of the **Water Industry Act 1994**;

(iii) in relation to the Secretary to the Department of Human Services, an obligation imposed by or under the **Safe Drinking Water Act 2003**, the **Food Act 1984** or the **Health (Fluoridation) Act 1973**.

"Regulatory Period" means the four year period commencing on 1 July 2009.

"Requirement for capital projects" means the requirement for the evaluation and approval of capital expenditure projects greater than $5 million outlined in the Minister's and Treasurer's letter to the Licensee of 5 March 2005.

"Secretary" means the person occupying or acting in the position of Secretary of the Department.

"Smart Water Fund" means the fund established to encourage environmentally sustainable water projects in the greater metropolitan area of Melbourne and the regional urban areas of Victoria.

"Standards and Conditions of Service and Supply" means Standards and Conditions of Service and Supply for services specified in the Water Industry Regulatory Order as declared services.

"Statement" means this Statement of Obligations.

"Submission Date" means the date specified in sub-clause 7.2.

"Sustainable Management Principles" are:

- the need to ensure that water resources are conserved and properly managed for sustainable use and for the benefit of present and future generations, and
- the need to encourage and facilitate community involvement in the making and implementation of arrangements relating to the use, conservation and management of water resources; and
- the need to integrate both long-term and short-term economic, environmental, social and equitable considerations; and
- the need for the conservation of biological diversity and ecological integrity to be a fundamental consideration; and
- if there are threats of serious or irreversible environmental damage, lack of full scientific certainty as to measures to address the threat should not be used as a reason for postponing such measures.

"Water Conservation Program" means any program, plan or strategy that gives effect to improved water management outcomes including but not limited to, conservation, demand reduction, recycling and waste minimization.

"Water Supply Demand Strategy" means a strategy that identifies measures to maintain a balance between demand for water and available supply over the next fifty years.

"Trade Waste Acceptance Standards" means the standards specified in Schedule B of this Statement;

"Water Plan" means the Water Plan required by this Statement to be delivered to the Commission.

"Water Industry Regulatory Order" means the **Water Industry Regulatory Order 2003**.

SCHEDULE B

STANDARDS FOR TRADE WASTE DISCHARGED TO THE SEWERAGE SYSTEM

Trade waste discharged from land, at the point where it is sampled, must comply with the standards set out in this Schedule.

1. PHYSICAL CHARACTERISTICS

1.1. Temperature

An occupier must not discharge trade waste with a temperature greater than 38°C.

1.2. Solids

An occupier must not discharge trade waste containing Gross Solids, Suspended Solids or Total Dissolved Solids except as provided in paragraphs (a) to (d).

(a) Gross Solids contained in trade waste must-

(i) be able to pass through a bar screen with 13mm spaces between bars; and

(ii) have a quiescent settling velocity of not more than 3m/hour.

(b) Where the total mass load of Suspended Solids exceeds 1000 kg/day, the concentration of Suspended Solids must not exceed 10,000 mg/litre.

(c) Except as provided in paragraph (d), the total mass load of Total Dissolved Solids must not exceed 200 kg/day.

(d) An occupier must not discharge waste containing fibrous material which, in the opinion of the Authorised Person is likely to cause obstructions in a drain or sewer.

1.3. Oils, fats and grease

(a) An occupier must not discharge trade waste containing any free or floating layer of oil, fat or grease.

(b) An occupier may discharge trade waste containing emulsified oil, fat or grease which, in the opinion of the Authorised Person, is biodegradable, if the emulsion is stable -

(i) at a temperature of 15°C; and

(ii) when it is in contact with raw sewage and the resulting mixture has a pH no less than 4.5 and no greater than 10.0.

(c) An occupier must not discharge trade waste containing emulsified oil, fat or grease which, in the opinion of the Authorised Person is not biodegradable, if it contains more than 1000 mg/litre of material recovered by a solvent prescribed by the Authorised Person as extractable matter when the emulsion-

(i) is stable at a temperature of 15°C; and

(ii) is in contact with raw sewage and the resulting mixture has a pH no less than 4.5 and no greater than 10.0.

(d) An occupier must not discharge trade waste containing emulsified oil, fat or grease if it contains more than 200 mg/litre of material recovered by a solvent prescribed by the Authorised Person as extractable matter when the emulsion -

(i) is unstable at a temperature of 15°C; and

(ii) is in contact with raw sewage and the resulting mixture has a pH no less than 4.5 and no greater than 10.0.

1.4. Organic Liquids

(a) An occupier must not discharge trade waste containing any free or floating layer of organic liquid.

(b) An occupier must not discharge any trade waste which in the opinion of the Authorised Person, may be flammable.

1.5. Latex Emulsions

(a) In this sub-clause -

"biodegradable" in relation to trade waste means that, in the opinion of the Authorised Person, the Total Organic Carbon content of the trade waste would decrease by at least 90% when submitted to the sewage treatment process employed by *Melbourne Water* for that waste;

"latex emulsion" includes an emulsion containing paint, adhesive, rubber, plastic or similar materials;

"stable latex emulsion" means a latex emulsion in which the solids deposited in a filter do not increase by more than 200 mg/litre when the emulsion-

(i) is at 15°C; and

(ii) is in contact with raw sewage and the resulting mixture has a pH no less than 4.5 and no greater than 10.0.

(b) An occupier may discharge trade waste containing a biodegradable stable latex emulsion.

(c) An occupier must not discharge trade waste containing a stable latex emulsion, which is not biodegradable at a concentration greater than 1000 mg/litre of total solids.

(d) An occupier must not discharge trade waste containing an unstable latex emulsion.

1.6. Radioactive waste

An occupier must only discharge trade waste which complies in all respects with the Health (Radiation Safety) Regulations 1994, as amended from time to time.

1.7. Colour

An occupier must not discharge trade waste containing Colour greater than 9 Adams-Nickerson (42) units, determined from the most pronounced Colour obtained from a sample adjusted to a pH of not less than 7.0 and no greater than 8.0 following biological treatment by an activated sludge process.

2. CHEMICAL CHARACTERISTICS

2.1. pH Value

An occupier must not discharge trade waste with a pH value less than 6.0 or greater than 10.0, except as provided by Clause 2.3 (b) (ii).

2.2. Organic Concentration

An occupier must not discharge trade waste with a total mass load of 5-day Biochemical Oxygen Demand in excess of 1,000 kg/day, unless its concentration is no greater than 4,000 mg/litre.

2.3. Nitrogen

An occupier must not discharge trade waste with a concentration of;

(a) Total Kjeldahl Nitrogen greater than 500 mg/litre; or

(b) Ammonia, plus ammoniacal ion (expressed as N) greater than:

(i) 50 mg/litre, except as provided by this paragraph.
(ii) 200 mg/litre, where –
(A) the trade waste discharged can only be received by *Melbourne Water*'s Western Treatment Plant;
(B) a risk assessment has been conducted;
(C) the occupier can comply with a restricted pH range of 6.0 to 8.0; and
(D) the occupier has demonstrated to the Authorised Person, that commonly available waste minimisation technology has been applied to the best extent practicable.

2.4. Sulfur Substances

(a) Oxidised Sulfur

(i) For the purposes of this paragraph, "Oxidised Sulfur" means the chemical substances expressed as S and known as Sulfates, Sulfites and Thiosulfates.

(ii) An occupier must not discharge trade waste containing Oxidised Sulfur with a concentration of 100 mg/litre or more, except as provided in this paragraph.

(iii) An occupier must treat any trade waste with a concentration of Oxidised Sulfur greater than 600 mg/litre, before it is discharged.

(iv) Where trade waste prior to discharge would have a total concentration of Oxidised Sufhur of not less than 100 mg/litre and not more than 600 mg/litre, an occupier must treat any stream of waste contributing to the discharge which has a concentration of Oxidised Sulfur greater than 600 mg/litre.

(v) An occupier must use the best available technology, as determined by the Authorised Person, to treat any trade waste under sub-paragraph (iii) or (iv).

(b) An occupier must not discharge trade waste containing Sulfide in a concentration greater than 1 mg/litre.

2.5. Metals

(a) An occupier must not discharge any element listed in Column 1 of Table A, except in accordance with this sub-clause 2.5.

(b) Where the daily mass load of any element discharged is between the lower limit specified in Column 2 and the upper limit specified in Column 3 for that element, trade waste must not exceed the concentration specified in Column 4.

(c) Where the daily mass load of any element discharged is either lower than the limit specified in Column 2 or greater than the limit specified in Column 3, the Authorised Person must determine the maximum concentration of that element which an occupier may discharge.

(d) Where no entry is made in Columns 2 and 3 for any element, trade waste must not exceed the concentration for that element specified in Column 4.

(e) Where the occupier has demonstrated to the Authorised Person, that it is unable to limit the concentration of Boron (as B) to the concentration specified in Table A, Column 4 using commonly available waste minimisation technology to the best extent practicable, the occupier may discharge trade waste containing boron in a concentration no greater than 100 mg/litre.

(f) Where the occupier has demonstrated to the Authorised Person, that it is unable to limit the concentration of Manganese (as Mn) to the concentration specified in Table A, Column 4 using commonly available waste minimisation technology to the best extent practicable, the occupier

may discharge trade waste containing Manganese in a concentration no greater than 100 mg/litre.

TABLE A

Column 1	Column 2	Column 3	Column 4
Element	grams/day	grams/day	Milligrams per litre
Arsenic			1
Boron as B			25
Barium			150
Beryllium			30
Cadmium	0.4	20	2
Chromium	100	5,000	10
Cobalt			10
Copper	100	5,000	10
Iron	2,000	100,000	100
Lead	100	5,000	10
Manganese			10
Mercury	0.2	10	1.0
Molybdenum			10
Nickel	10	500	10
Selenium			10
Silver[1]	0.2	50	5
Thallium			20
Tin			10
Uranium(238)			30
Zinc	200	15,000	10

[1] based on analysis using digestion with aqua regia.

2.6. Halogens and Halides

An occupier must not discharge trade waste containing a substance listed in Table B with a concentration greater than is listed for that substance.

TABLE B

Substance	*Maximum Allowable Concentration* Milligrams per litre
Bromine (expressed as Br_2)	5
Chlorine (expressed as Cl_2)	5
Fluoride	30
Iodine (expressed as I_2)	5

2.7. Cyanide

An occupier must not discharge trade waste containing a cyanide concentration greater than 10 mg/litre.

2.8. Inhibitory Chemicals

(a) An occupier must not discharge any trade waste which, when diluted to a solution with sewage, would inhibit the microbiological sewage treatment process applicable to that trade waste by more than 20%.

(b) The Authorised Person must determine the microbiological sewage treatment process referred to in paragraph (a).

2.9. Organic Acids

An occupier must not discharge trade waste containing total phenoxyacetic acids and chemical derivatives (expressed as phenoxyacetic acid) at a concentration greater than 1,000 mg/litre.

2.10. Phenolic Substances

An occupier must not discharge trade waste containing a substance listed in Table C with a concentration greater than is listed for that substance.

TABLE C

Substance	Maximum Allowable Concentration Milligrams per litre
Sum of Phenol, Monochlorophenol, Dichlorophenol & their isomers	300
Trichlorophenol	50
Tetrachlorophenols (Total)	5
Pentachlorophenol	5

2.11. Aldehydes and Ketones

An occupier must not discharge trade waste containing a substance listed in Table D with a concentration greater than is listed for that substance.

TABLE D

Substance	Maximum Allowable Concentration Milligrams per litre
Acetone	50
Acrolein	0.1
Formaldehyde (expressed as HCHO)	200

2.12. Nitriles

An occupier must not discharge trade waste containing acrylonitrile at a concentration greater than 1.0 mg/litre.

2.13. Mononuclear Aromatic Hydrocarbon

An occupier must not discharge trade waste containing a mononuclear aromatic hydrocarbon listed in Table E in a concentration greater than is listed for that substance.

TABLE E

Substance	Maximum Allowable Concentration Milligrams per litre
Benzene	1.0
Cumene	3.0
2,4 Dinitrotoluene	10.0
2,6 Dinitrotoluene	10.0
Ethylbenzene	2.0
Nitrotoluene	5.0
Styrene	2.0
Toluene	2.0
Total Xylenes	2.0

2.14. Halogenated Aliphatic Hydrocarbons

An occupier must not discharge trade waste containing an halogenated aliphatic hydrocarbon listed in Table F in a concentration greater than is listed for that substance.

TABLE F

Substance	Maximum Allowable Concentration Milligrams per litre except as otherwise indicated
1,1 Dichloroethane	5.0
1,2 Dichlorethane	5.0
1,1,1 Trichloroethane	3.0
1,1,2 Trichloroethane	3.0
1,1,2,2 Tetrachloroethane	2.0
Hexachloroethane	1.0
Chloroethane (Vinyl Chloride Monomer)	0.5
1,2 Dichloroethylene	5.0
Trichloroethylene	1.0
Tetrachloroethylene	1.0
Carbon Tetrachloride	1.0
Methylene Chloride	5.0
Methyl Chloride	1.0 µg/L
Methyl Bromide	1.0 µg/L
Trichloromethane (Chloroform)	1.0
Bromodichloromethane	1.0
Trichlorofluoromethane	1.0
Dichlorodifluoromethane	1.0
Chlorodibromomethane	5.0
1,1 Dichloropropane	5.0
1,2 Dichloropropane	5.0
1,3 Dichloropropane	1.0 µg/L
Hexachlorobutadiene	1.0 µg/L

2.15. Aliphatic Hydrocarbons

An occupier must not discharge trade waste containing aliphatic hydrocarbons C5 to C9 at a concentration greater than 1.0 mg/litre.

2.16. Esters

An occupier must not discharge trade waste containing a substance listed in Table G in a concentration greater than is listed for that substance-

TABLE G

Substance	Maximum Allowable Concentration Milligrams per litre
Ethyl Acrylate	1.5
Methyl Methacrylate	30.0

2.17. Ethers

An occupier must not discharge trade waste containing diethylene glycol monobutyl ether (butyl carbitol) in a concentration greater than 2,000 mg/litre.

2.18. Other Organics

An occupier must not discharge trade waste containing a substance listed in Table H with a concentration greater than is listed for that substance.

TABLE H

Substance	Maximum Allowable Concentration Milligrams per litre
Glyphosate	10
Trifluralin	10
Epichlorohydrin	0.3

2.19. Persistent Organochlorine Pesticides

(a) An occupier must not discharge trade waste containing persistent organochlorine pesticides except in accordance with this paragraph.

(b) An occupier must not discharge trade waste containing pesticides listed in Table I in a concentration greater than is listed for that pesticide.

TABLE I

Substance	Maximum Allowable Concentration Milligrams per litre
Aldrin	0.001
Chlordane	0.006
DDT	0.003
Dieldrin	0.001
Heptachlor	0.003
Lindane	0.100

2.20. Halogenated Aromatic Hydrocarbons

(a) An occupier must not discharge trade waste containing halogenated aromatic hydrocarbons, except in accordance with this paragraph.

(b) An occupier must not discharge trade waste containing a substance listed in Table J in a concentration greater than is listed for that substance.

TABLE J

Substance	Maximum Allowable Concentration Milligrams per litre
Polychlorinated Biphenyls (PCBs)	0.002
Polybrominated Biphenyls (PBBs)	0.002

2.21. Chlorodibenzo-p-dioxins and Chlorodibenzo-furans

(a) An occupier must not discharge any trade waste containing any of the full range of chlorodibenzo-p-dioxin and chlorodibenzo-furan congeners, except in accordance with this paragraph.

(b) Subject to paragraphs (c), (d) and (e), an occupier must not discharge trade waste containing any of the full range of chlorodibenzo-p-dioxin and chlorodibenzo-furan congeners in a concentration greater than the NATO total toxic equivalent of 40.0 ng/l.

(c) Notwithstanding paragraph (b), the Authorised Person may at any time in writing require an occupier not to discharge trade waste containing any of the full range of chlorodibenzo-p-dioxin and chlorodibenzo-furan congeners in a concentration greater than the NATO total toxic equivalent of 20.0 ng/l.

(d) Subject to paragraph (e), an occupier must not discharge trade waste containing any 2, 3, 7, 8 tetrachlorodibenzo-p-dioxin congeners in a concentration greater than the NATO total toxic equivalent of 20.0 ng/l.

(e) Notwithstanding paragraph (d), the Authorised Person may at any time require an occupier not to discharge any 2, 3, 7, 8 tetrachlorodibenzo-p-dioxin congeners in a concentration greater than the NATO total toxic equivalent of 5.0 ng/l.

2.22. Headspace Air

An occupier must not discharge trade waste to a sewer, which at the nearest point of the sewer accessible by humans from the point of discharge, in any respect fails to comply with any relevant Work Safe Australia Exposure Standard relating to short term exposure levels.

2.23. Other Substances

An occupier must not discharge trade waste containing any substance not otherwise mentioned in this Schedule:

(a) in a concentration no greater than 1µg/l; and

(b) where the discharge or release of which to any element of the environment is restricted or prohibited by any legislation applying in Victoria; and

(c) in quantities or of a quality that in the opinion of the Authorised Person would or is reasonably likely to endanger human life, compromise the safety of a person or of the works, or significantly adversely affect the operation of a sewage treatment plant or any part of the environment.