



Environment Protection Act 2017

NOTICE OF THE AUTHORITY GRANTING AN EXEMPTION TO A CLASS OF PERSONS IN ACCORDANCE WITH SECTION 459(9) OF THE ENVIRONMENT PROTECTION ACT 2017

CLASS EXEMPTION BY THE AUTHORITY UNDER SECTION 459

Exemption from Requirement to Provide Certificate of Conformity for Sand Filter Treatment Plants – Regulations 26(2)(c)(ii) and 32(2)(c)(ii) of the Environment Protection Regulations 2021

1. Citation

This exemption may be cited as EPA Class Exemption – Exemption from requirement to provide a certificate of conformity for sand filter treatment plants.

2. Summary

This exemption is made by the Environment Protection Authority (Authority) under section 459 of the **Environment Protection Act 2017** (Act).

A person to whom this exemption applies (see Clause 4 below) is exempted from the requirement set out in regulations 26(2)(c)(i) and 32(2)(c)(i) of the Environment Protection Regulations 2021 (Regulations).

That is, a person to whom this exemption applies does not need to include a certificate confirming that the sand filter treatment plant for an on-site wastewater management system (prescribed activity A20 as set out in the Table in Schedule 1 of the Regulations) meets Australian Standard 1546.3:2017, On-site domestic wastewater treatment units, Part 3: Secondary treatment systems (AS 1546.3 (2017)).

3. Definitions

In this exemption, words or phrases have the same meaning as in the Act or Regulations, unless otherwise specified, and –

accreditation body means a body accredited under the Joint Accreditation System of Australia and New Zealand (or any other accreditation body approved by the Authority) to issue a certificate of conformity;

certificate of conformity means a certificate, issued by an accreditation body confirming that an on-site wastewater treatment plant meets the appropriate standard as defined in the Regulations;

dosage rate, in relation to each type of wastewater listed in column 1 of Table A in the Appendix, means the amount of wastewater in litres per square metre per day (L/m²/day) listed in column 2 of Table A in the Appendix;

effective size means the maximum particle size of the smallest 10 percent (D10) by mass of the sand, gravel or other particulate media of the sand filter treatment plant;

sand filter treatment plant means an on-site wastewater treatment plant that is a sub-surface flow, trickling-filter secondary wastewater treatment system consisting of horizontal layers sand, gravel and or other particulate media, which, following a primary treatment system, evenly discharges wastewater through pipes so it flows through the filter layers at least once before flowing into an effluent storage chamber;

uniformity coefficient means the ratio of the maximum particle size of the smallest 60 percent by mass of the sand, gravel or other particulate media used in the sand filter treatment plant to the maximum particle size of the smallest 10 percent by mass.

4. Application

This exemption applies to any person who applies to a council for a permit under section 81 of the Act (in accordance with the requirements of section 50 of the Act), or a permit exemption under section 83 of the Act, to construct or install an on-site wastewater management system (which is a prescribed permit activity under item 28 (A20 – On-site wastewater management systems) in the Table in Schedule 1 of the Regulations), if –

- (a) the application is for an on-site wastewater management system that includes a sand filter treatment plant;
- (b) an accreditation body has not issued a certificate of conformity for the sand filter treatment plant; and
- (c) the application satisfies the conditions set out in Clause 5.

5. Conditions

For the purposes of Clause 4(c) above, an application must include detailed plans, specifications and particulars of the proposed sand filter treatment plant which confirm the proposed sand filter treatment plant will –

- (a) only treat effluent that has been subject to either primary, or primary and secondary treatment; and
- (b) be appropriate for its proposed use on the proposed site (see Note 2 below); and
- (c) have a base and sides made of impermeable material that cannot be punctured by any media layer or equipment; and
- (d) operate effectively during normal, intermittent, and peak hydraulic flow and organic load conditions; and
- (e) be capable of continued utilisation during breakdown, power failure or maintenance periods for at least 24 hours without posing a risk of harm to human health or the environment; and
- (f) have an alarm system with suitable visual or audio (with mute facility) indicators to warn of any failure of the system; and
- (g) have inspection and access openings for all chambers brought up to ground level; and
- (h) comply with the relevant dosage rate specifications set out in Tables A and B of Appendix 1 to this exemption.

6. Duration

This exemption expires on 30 June 2023, unless earlier revoked by the Authority.

7. Notes

- (1) This exemption has no effect unless the conditions to which it is subject are complied with.
- (2) For the purposes of Clause 5(b), the findings of a land capability assessment may be taken into account. A council may request that a land capability assessment is prepared by a suitably qualified person (see regulations 26(2)(e) and 32(2)(e) of the Regulations).
- (3) The exemption may be varied, revoked or renewed as the Authority considers appropriate.
- (4) This exemption does not satisfy, alter or remove any requirement under the Act or Regulations, except to the extent it expressly states otherwise.
- (5) This exemption can be found on the Authority's website: www.epa.vic.gov.au

Appendix 1: Dosage rate specifications**Table A**

Column 1 Type of wastewater being treated	Column 2 Maximum Dosage Rate (L/m²/day)
Septic tank effluent	50
Wastewater from intermittently used facilities, such as sporting pavilions	100
20/30 effluent (Biological Oxygen Demand/ total suspended solids) requiring polishing	200

Table B

Column 1 Dosage rate (L/m²/day)	Column 2 Clay and fine silt content (by volume)	Column 3 Effective size (mm)	Column 4 Uniformity coefficient
Less than 50	Less than 5%	Between 0.25 and 0.60	Less than 4
50 or greater	Less than 5%	Between 0.4 and 1.0	Less than 4

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