



Environment Protection Act 2017

DETERMINATION OF THE AUTHORITY UNDER SECTION 48

Exemption from Requirement to hold Permission – Modifications to a Sewage Treatment Plant

1. Citation

This Section 48 determination is 02 of 2021 and may be cited as EPA Determination – permission exemption for modifications to a sewage treatment plant.

2. Summary

This determination is made by the Environment Protection Authority (Authority) under Section 48(a) of the **Environment Protection Act 2017** (the Act). It specifies the requirements that a water corporation must meet to comply with Section 44 of the Act if the water corporation does not hold a development licence in relation to modifications to a sewage treatment plant.

A water corporation that meets the requirements set out in this determination is authorised to engage in the modification activities set out in Clause 4 without a development licence issued under the Act in relation to that activity.

3. Definitions

In this determination, words or phrases have the same meaning as in the Act or the Environment Protection Regulations 2021 (the Regulations) unless otherwise specified, and –

water corporation has the same meaning as in the **Water Act 1989**.

4. Application

This determination applies to a water corporation that –

- (a) holds –
 - (i) a permission issued by the Authority to engage in the activity set out in item 5 (A03 – Sewage treatment) of the Table in Schedule 1 to the Regulations; or
 - (ii) a prescribed exemption for the purposes of Section 45(2)(c) of the Act to engage in the activity set out in item 5 (A03 – Sewage treatment); or
 - (iii) a licence exemption granted by the Authority under Section 80(4) of the Act to engage in the activity set out in item 5 (A03 – Sewage treatment) of the Table in Schedule 1 to the Regulations; and
- (b) is engaging, or proposing to engage, in one or more of the following modification activities in relation to the sewage treatment plant covered by the permission or licence exemption –
 - (i) providing additional capacity for an aerobic bioreactor or an anaerobic digester system;
 - (ii) collecting biogas for power generation or flaring (including in relation to an anaerobic lagoon);
 - (iii) providing increased storage capacity for emergency storage lagoons for untreated sewage during severe weather events;
 - (iv) treating class C or B wastewater so that it becomes class A wastewater;
 - (v) providing for increased nutrient removal within an existing sewage treatment system, including any of the following –
 - (A) installing baffles in lagoons;
 - (B) adding extra aeration for nitrification;

- (C) changing an aeration sequence to create aerobic and anoxic zones;
- (D) chemical dosing to remove phosphorous.

5. Requirements

For the purposes of Section 48(a) of the Act, a water corporation referred to in Clause 4 of this determination does not have to comply with the requirement to hold a development licence under Section 44(1) of the Act in relation to the modification activities set out in Clause 4(b), if –

- (a) the water corporation does not, as a result of the modification activity, breach the licence or the licence exemption, or any condition set out in the licence or licence exemption referred to in Clause 4(a) for that sewage treatment plant (including any discharge limits).

6. Duration

This determination commences on 1 July 2021 and remains in effect until the revocation of the Regulations, unless earlier revoked by the Authority.

7. Notes

- (1) The Authority may amend or repeal this determination by way of written notice in the Government Gazette.
 - (2) This determination does not satisfy, alter or remove any requirement under the Act, except to the extent the determination expressly states otherwise.
 - (3) This determination and others can be found on the Authority's website: www.epa.vic.gov.au
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