

End of Waste Code
Associated Water (including coal seam gas water)
(ENEW07547018)
Waste Reduction and Recycling Act 2011

End of Waste Code
Associated Water (including CSG water) (ENEW07547018)

Version history

Version	Date	Description of changes
1.00	24 April 2019	The End of waste code for associated water (including coal seam gas water) was made on 18 April 2019, but takes effect on 24 April 2019.
1.01	10 December 2019	Amendment to incorrect approval date.

Prepared by: Regional and Regulation Support, Department of Environment and Science

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1 Explanatory statement

This End of Waste (EOW) code for **associated water**¹ (including coal seam gas (CSG) water) has been issued by the **chief executive** of the Department of Environment and Science (the department) in accordance with section 159 of the *Waste Reduction and Recycling Act 2011* (WRR Act).

This EOW code states when a **waste** becomes a **resource** and any relevant requirements and/or conditions for its use. If the **resource** is not being used in accordance with the relevant requirements and/or conditions of this EOW code, or another type of permit that allows for its use, it is considered a **waste** under section 13 of the *Environmental Protection Act 1994* (EP Act) and must be disposed of appropriately at a facility that is lawfully able to receive the **waste**.

2 Guidance

Resource tenure holders have the right to take **associated water** under the *Petroleum and Gas (Production and Safety) Act 2004* or the *Petroleum Act 1923* as a necessary activity in the process of extracting petroleum or gas. **Associated water** can be reused in a range of different ways. The Coal Seam Gas Water Management Policy 2012 (ESR/2016/2381)² sets out the government's framework for the management of **CSG water**. The objective of the policy is:

“to encourage the beneficial use of CSG water in a way that protects the environment and maximises its productive use as a valuable resource”.

In using **associated water**, it is also important that the user is aware of their general environmental duty under Chapter 7 Part 1 of the EP Act.

2.1 Resource use versus Activity

An EOW code states when a **waste** stops being a **waste** and becomes a **resource** following any necessary processing or treatment. A **waste** becomes a **resource** when it has been determined to meet the requirements of an EOW code. It may be necessary to treat or process the **waste** prior to that point. An environmental authority (EA) under the EP Act is required where an activity triggers the threshold for any environmentally relevant activity (ERA). This means that treating and processing the **waste** to meet the **resource** quality criteria under the EOW code may require an EA under the EP Act if the activity meets the threshold for an ERA.

2.2 Resource versus Waste

A waste that has been considered a **resource** under an EOW Code is considered a **resource** only for the use(s) approved in an EOW code. In the event a **resource** does not meet the requirements of the EOW code and/or is not used in accordance with the EOW code, it cannot be deemed a **resource** and remains a **waste** and must be managed in accordance with waste management requirements under the EP Act and the WRR Act, and their subordinate legislation.

A **resource** approved under an EOW code is deemed to be a **waste** again, if it is disposed of at a **waste** disposal facility, or if it is deposited at a place in a way that would, apart from its use approved under an EOW code, constitute a contravention of the general littering provision or the illegal dumping of **waste** provision under the WRR Act.

¹ Associated water is defined in the definitions section of this EOW Code. The term includes coal seam gas water.

² This policy is available on the Queensland Government website at www.qld.gov.au, using the publication number ESR/2016/2381 as a search term.

2.3 Failure to comply

It is an offence for a **registered resource producer** to produce the **resource**, or use, sell or give away the **resource** if they do not comply with the requirements under an EOW code. Further, it is an offence for a **person** to use the resource in a way, or for a purpose, that does not comply with an EOW code. These offences carry a maximum penalty of 1,665 penalty units for an individual and 8,325 penalty units for a corporation³.

Please refer to Appendix A of this EOW code for general obligations for all persons operating under this EOW code which includes the **resource user**.

2.4 Lawfulness of the activity

The issuing of this EOW code for the use of a **resource** does not warrant or imply the lawfulness of the activity under all legislation, or that approvals necessary under other legislation have or will be approved. It is the responsibility of the **registered resource producer** and **resource user** to identify and obtain all other approvals necessary for the relevant activities.

3 Period of this EOW code

This EOW code takes effect from **24 April 2019** and remains in force until it is cancelled, amended or suspended by the **chief executive**⁴.

4 Waste to which this EOW code applies

This EOW code is limited to the direct supply of **associated water** which is part of the extraction process for petroleum and gas.

This EOW code does not apply to the indirect supply of **associated water** via a stream, river, weir or any other natural **watercourse**.

5 Person to whom this EOW code applies

5.1 Registered resource producers of the resource

- a) Prior to operating under this EOW code, the producer of the **resource** must register with the **chief executive** by giving a notice in the approved form⁵ that the **person** intends to become a **registered resource producer** for this EOW code; and
- b) A **registered resource producer** must comply with the **registered resource producer requirements** in Section 6 of this EOW code.

5.2 Resource users

- a) The **resource user** must only use the **resource** in a way, and for a purpose, allowed under this EOW code. This means complying with the **resource user conditions** in Section 7 of this EOW code.

³ The value of a penalty unit is stated in the Penalties and Sentences Regulation 2015 (Qld).

⁴ If an EOW code is to be amended, cancelled or suspended, the chief executive will provide an opportunity to make written submissions by providing a proposed action notice to the registered resource producers; and publishing the proposed action notice on department's website for anyone interested.

⁵ The approved form, *Registered resource producer for an end of waste code (ESR/2018/4082)*, is available on the Queensland Government website at www.qld.gov.au, using the publication number ESR/2018/4082 as a search term.

6 Registered resource producer requirements

(6.1)	The registered resource producer must only supply the resource directly to the resource user , but not indirectly via a stream, river, weir or any other natural watercourse .
(6.2)	The resource must not be directly or indirectly released to any waters .
(6.3)	The resource must meet the relevant requirements for the stated type of use in <i>Table 1—Water quality criteria for the resource</i> .
(6.4)	The registered resource producer must make the following available to any person to whom they provide a resource : <ul style="list-style-type: none"> (a) confirmation in writing that the resource being supplied is compliant with the requirements of this EOW code; (b) a Safety Data Sheet for the resource if the resource is a hazardous chemical; and (c) if requested, a current and complete laboratory certificate of analysis for the quality of the resource being supplied in accordance with <i>Table 1—Water quality criteria for the resource</i>.
Resource monitoring	
(6.5)	Any determination of the suitability for use (as per <i>Table 1—Water quality criteria for the resource</i>) of the resource (including ongoing monitoring) must be made by an appropriately qualified person .
(6.6)	The appropriately qualified person must conduct water quality monitoring of the resource to determine compliance with <i>Table 1—Water quality criteria for the resource</i> .
(6.7)	The registered resource producer must undertake monitoring in accordance with the water quality criteria in requirement (6.3) and include: <ul style="list-style-type: none"> (a) fortnightly sampling for pH and TDS; and (b) monthly sampling for other water quality parameters in <i>Table 1—Water quality criteria for the resource</i> and then six monthly after three consecutive values detected above the laboratory limit of reporting which are less than 50 per cent of the relevant parameter.
(6.8)	All monitoring and sampling must be carried out in accordance with the following documents (or the latest version): <ul style="list-style-type: none"> (a) For waters and aquatic environments, the Queensland Government’s Monitoring and Sampling Manual 2018 – Environmental Protection (Water) Policy 2009; and (b) For groundwater, Groundwater Sampling and Analysis – A Field Guide (2009:27 GeoCat #6890.1).
(6.9)	All laboratory analyses must be undertaken by a laboratory with National Association of Testing Authorities (NATA) accreditation.
(6.10)	Notwithstanding requirement (6.9), where there are no laboratories that have NATA accreditation for a specific analyte or substance, then duplicate samples must be sent to at least two separate laboratories for independent testing or evaluation.
(6.11)	Despite requirements (6.9) and (6.10), in-line monitoring equipment may be used for pH and EC measurements where they are operated in accordance with requirement (6.14). EC measurements can be converted to TDS following Australian and New Zealand Guidelines for Fresh and Marine Water Quality (ANZECC and ARMCANZ 2000) Volume 1: Chapter 4.3 Section 4.3.3.5.
(6.12)	The registered resource producer must cease using, selling or giving away the resource immediately upon becoming aware that the resource does not meet quality parameters for the approved use(s), in <i>Table 1—Water quality criteria for the resource</i> , at or before the point of

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	supply. The associated water remains a waste until it meets the relevant water quality parameters in <i>Table 1—Water quality criteria for the resource</i> and all other requirements of this code.
(6.13)	In the event that the registered resource producer has ceased using, selling or giving away the resource in accordance with requirement (6.12), the use, sale or giving away of the resource may only recommence where: <ul style="list-style-type: none"> a) the resource meets the relevant requirements for the stated use in <i>Table 1—Water quality criteria for the resource</i>; b) the cause for the water quality not meeting water quality parameters in <i>Table 1—Water quality criteria for the resource</i> has been identified and resolved; and c) the chief executive has been notified.
(6.14)	All plant and equipment necessary for complying with this EOW code must be installed, maintained and operated in proper and effective condition.
Records	
(6.15)	When the resource is transported the registered resource producer must retain the following records of the resource : <ul style="list-style-type: none"> (a) origin of the resource; (b) date of dispatch of the resource; (c) location of delivery of the resource to the resource user by real property description; (d) date of delivery of the resource to the resource user; (e) contact details for the person responsible for use of the resource at the site of use; (f) quantity (volume) of the resource supplied per month; and (g) approved use for which the resource was supplied (as per <i>Table 1—Water quality criteria for the resource</i>).
(6.16)	The registered resource producer must retain the following records: <ul style="list-style-type: none"> (a) relating to sampling and monitoring including laboratory results, field data, and monitoring reports; and (b) any written procedures developed to manage the resource.
(6.17)	The registered resource producer must: <ul style="list-style-type: none"> (a) retain records as per requirements (6.15) and (6.16) for a period of at least five (5) years; (b) provide records to the chief executive upon request, in the requested format and timeframe.
Notification of emergencies, incidents and exceptions	
(6.18)	Any contravention of a requirement of this EOW code must be reported by the registered resource producer to the chief executive as soon as practicable within 48 hours of becoming aware of the breach.
(6.19)	The registered resource producer must: <ul style="list-style-type: none"> (a) retain all records relating to the contravention for at least 5 years, including details of the contravention, any subsequent actions taken to resolve the contravention, laboratory results, field data and monitoring reports; and (b) provide records to the chief executive upon request, in the requested format and timeframe.

7 Resource user conditions

Approved uses	
(7.1)	The approved resource is associated water that complies with the quality criteria listed in <i>Table 1—Water quality criteria for the resource</i> and is used for the approved uses in <i>Table 2—Conditions for the resource user</i> .
(7.2)	Where the resource is used for more than one approved use, it must comply with all conditions for those uses.
(7.3)	The application of the resource by the resource user must not cause: <ul style="list-style-type: none"> (a) on-site ponding; or (b) runoff from the site where the resource is applied; or (c) vegetation die-off; or (d) visible salting; or (e) serious or material environmental harm.
(7.4)	The application of the resource must be restricted to the area required for the approved uses listed under <i>Table 2—Conditions for the resource user</i> .
(7.5)	The resource must not be directly or indirectly released to any waters.
(7.6)	A resource that meets the quality criteria in <i>Table 1—Water quality criteria for the resource</i> may be used as per the conditions in <i>Table 2—Conditions for the resource user</i> .
Records	
(7.7)	The resource user must ensure the following records are kept for the resource : <ul style="list-style-type: none"> (a) origin of the resource; (b) date of receipt of the resource; (c) name and address of the person who supplied the resource; (d) quantity (volume) of the resource supplied per month; and (e) how the resource was used (as per the approved uses identified in <i>Table 2—Conditions for the resource user</i>).
(7.8)	The resource user must: <ul style="list-style-type: none"> (a) retain records as per condition (7.7) for a period of at least five (5) years; and (b) provide records to the chief executive upon request, in the requested format and timeframe.
Notification of emergencies, incidents and exceptions	
(7.9)	Any contravention of a requirement in this EOW code by the resource user must be reported to the chief executive as soon as practicable but within 48 hours of becoming aware of the contravention.
(7.10)	The resource user must: <ul style="list-style-type: none"> (a) retain all records relating to the contravention for at least 5 years, including details of the contravention, any subsequent actions taken to resolve the contravention, laboratory results, field data, and monitoring reports; and (b) provide records to the chief executive upon request, in the requested format and timeframe.

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Note: It is expected that the registered resource producer and resource user adhere to other guidelines and/or assessment criteria that may be relevant including Water Quality Management Framework under the **ANZECC Guidelines**.

8 Tables

The tables in this section relate to the **registered resource producer requirements** and **resource user conditions** outlined in sections 6 and 7 above.

Table 1—Water quality criteria for the resource

Use	Water quality criteria
Aquaculture	1. The water quality of the resource must comply with the Australian and New Zealand Guidelines for Fresh and Marine Water Quality (ANZECC and ARMCANZ 2000) Volume 1: Chapter 4.4 Table 4.4.2 and 4.4.3.
Coal washing	There are no water quality requirements.
Dust suppression	There are no water quality requirements.
Construction	There are no water quality requirements.
Landscaping and revegetation	1. The resource must comply with the following water quality criteria: <ol style="list-style-type: none"> a. total dissolved solids (TDS) < 1000mg/L; and b. pH range of 6.0 – 9.5; and c. must not contain any substances in concentrations that may be toxic to plant growth.
Industrial and manufacturing operations	1. The resource must have a pH range of 6.0-9.5.
Research and development	There are no water quality requirements.
Domestic, stock and stock intensive and incidental land management	1. For stock and stock intensive drinking water the water quality of the resource must comply with the Australian and New Zealand Guidelines for Fresh and Marine Water Quality (ANZECC and ARMCANZ 2000) Volume 1: Chapter 4.3 Table 4.3.1, 4.3.2, & 4.3.3.

The **registered resource producer** must adhere to the most recent **ANZECC Guidelines** applicable for the **resource** use.

Table 2—Conditions for the resource user

Use	Conditions
Aquaculture	1. Aquaculture is limited to a culture of species groups mentioned in Table 4.4.1 of Australian and New Zealand Guidelines for Fresh and Marine Water Quality (ANZECC and ARMCANZ 2000) Volume 1: Chapter 4.4 which are cultivated or held in an enclosure on land. 2. The resource must not be directly or indirectly released to land.
Coal washing	1. The resource must not be directly or indirectly released to land.
Dust suppression	1. Use of the resource for dust suppression purposes must not exceed what is required to effectively suppress dust and be directly applied to the area being dust suppressed.
Construction	1. The use of the resource for construction purposes must comply with the following: <ol style="list-style-type: none"> a. the use of the resource must not result in runoff from the construction site; and

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	b. the use of the resource must not harm vegetation surrounding the construction site.
Landscaping and revegetation	1. Use of the resource for landscaping and revegetation purposes must comply with the following: <ol style="list-style-type: none"> a. the amount of resource applied should not exceed what is required to effectively undertake landscaping or revegetation activities; and b. the application of the resource must not harm vegetation surrounding the area being landscaped or revegetated; and c. not to be used for irrigation.
Industrial and manufacturing operations	1. The resource must not be directly or indirectly released to land. 2. The resource must not be used in food preparation or production manufacturing industries such as fruit washing.
Research and development	1. The resource must not be directly or indirectly released to land.
Domestic, stock and stock intensive and incidental land management	1. With regards to domestic use and incidental land management , the resource must not have characteristics/ properties which have the potential to cause harm to individuals should they come into contact or are exposed. 2. Stock and stock intensive drinking water is limited to watering livestock mentioned in Table 4.3.1 of Australian and New Zealand Guidelines for Fresh and Marine Water Quality (ANZECC and ARMCANZ 2000) Volume 1: Chapter 4.3.

9 Definitions

Words and phrases used throughout this EOW code are defined below. Where a definition for a term used in this EOW code is sought and the term is not defined within this EOW code the definitions provided in the relevant legislation shall be used.

‘**ANZECC Guidelines**’ refers to the Australian and New Zealand Guidelines for Fresh and Marine Water Quality (Australian and New Zealand Environment and Conservation Council (ANZECC) and ARMCANZ 2000), or the latest version of these guidelines.

‘**appropriately qualified person**’ means a person who has professional qualifications, training, skills or experience relevant to the nominated subject matter and can give authoritative assessment, advice and analysis on performance relating to the subject matter using the relevant protocols, standards, methods or literature.

‘**ARMCANZ**’ means the Agriculture and Resource Management Council of Australia and New Zealand.

‘**associated water**’ means underground water (including coal seam gas water) taken or interfered with, if the taking or inference happens during the course of, or results from, the carrying out of another authorised activity under a petroleum authority, such as a petroleum well, and includes water also known as produced formation water. The term includes all contaminants suspended or dissolved within the water.

‘**chief executive**’ means the Department of Environment and Science or its successor.

‘**contaminant(s)**’ (as defined in Section 11 of the *Environmental Protection Act 1994*), unless authorised under this EOW code means —

- a) a gas, liquid or solid; or
- b) an odour; or

- c) an organism (whether alive or dead), including a virus; or
- d) energy, including noise, heat, radioactivity and electromagnetic radiation; or
- e) a combination of contaminants.

‘coal seam gas water’ or **‘CSG water’** means underground water that is necessarily or unavoidably brought to the surface of the Earth, or moved underground in connection with exploring for, or producing coal seam gas. CSG water is a waste as defined under section 13 of the *Environmental Protection Act 1994*.

‘domestic’ includes activities such as:

- a) irrigating a garden, not exceeding 0.25ha, being a garden cultivated for domestic use and not for the sale, barter or exchange of goods produced in the garden;
- b) vehicle wash down; or
- c) storing water or conducting fire prevention activities for example under a Bushfire Survival Plan.

‘emergency(ies)’ means a situation where either human health or safety is threatened, or serious or material environmental harm has been or is likely to be caused; and urgent action is necessary to protect the health or safety of persons, or prevent or minimise the harm, or rehabilitate or restore the environment because of the harm.

‘environmental harm’ means environmental harm as defined in Chapter 1 of the *Environmental Protection Act 1994*.

‘EOW code’ means an End of Waste code for the purpose of this document, ENEW07547018—Associated Water (including coal seam gas water).

‘hazardous chemical’ means the name given to a group of chemicals classified as hazardous for use at workplaces according to the United Nations Globally Harmonised System of Classification and Labelling of Chemicals (GHS).

‘incidental land management’ includes the use of the resource associated with stock and stock intensive drinking water, under this EOW code (ENEW07547018) for purposes associated with occasional low risk or emergency uses. Examples include vehicle wash down and fire prevention.

‘irrigation’ means the supply of water for crops or pastures.

‘person(s)’ means an individual or a corporation.

‘pipeline’ means a pipe, or system of pipes for the transporting **associated water**.

‘registered resource producer(s)’ means a **person** who has registered with the **chief executive** to use, sell or give away the resource to be used under this EOW code.

‘registered resource producer requirements’ means the requirements in section 6 of this EOW code that the registered resource producer must comply with under section 158(1) of the WRR Act.

‘release(d)’ of a contaminant into the environment, includes —

- a) to deposit, discharge, emit or disturb the contaminant; and
- b) to cause or allow the contaminant to be deposited, discharged, emitted or disturbed; and
- c) to allow the contaminant to escape; and
- d) to fail to prevent the contaminant from escaping.

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'resource' means **associated water** (including **CSG** water) which meets the quality criteria specified in *Table 1—Water quality criteria for the resource* in this EOW code.

'resource user(s)' means a person who uses the resource for the use approved under this EOW code and in such a manner which does not cause any **environmental harm**, and includes the **registered resource producer** who uses the resource.

'resource user conditions' means the conditions in section 7 of this EOW code that the **resource user** must comply with under section 158(2) of the WRR Act. These conditions specify how the resource must be used, and for what purposes.

'Safety Data Sheet' means a document containing data regarding the properties of the resource which provides information on handling or working with that substance in a safe manner; and includes information such as physical data toxicity, environmental characteristics, health effects, first aid, reactivity; and storage, disposal, protective equipment and spill handling procedures. The Safety Data Sheet must be compliant with Safe Work Australia's code of practice for production of Safety Data Sheets.

'site(s) of use' means the relevant location or locations where the **resource** is used in accordance with this EOW code.

'stock' means watering stock of a number that would normally be depastured on the land on which the water is, or is to be, used or watering travelling stock on a stock route as defined in Schedule 4 of the *Water Act 2000*.

'stock intensive' means intensive animal feedlotting, pig keeping and poultry farming as defined in Schedule 2 Part 1 of the *Environmental Protection Regulation 2008*.

'surface water' means waters excluding groundwater.

'waste' means **waste** as defined in Section 13 of the *Environmental Protection Act 1994*.

'watercourse' has the meaning provided in section 5 of the *Water Act 2000* and includes the bed and banks and any other element of a river, creek or stream confining or containing water.

'waters' includes all or any part of a creek, river, stream, lake, lagoon, swamp, wetland, spring, unconfined surface water, unconfined water in natural or artificial watercourses, bed and bank of any waters, non-tidal or tidal waters (including the sea), stormwater channel, stormwater drain, roadside gutter, stormwater run-off, and underground water. To clarify for aquaculture purposes, waters does not include drains or channels for the purpose of aquaculture activities which are isolated from other waters

Approved
17 April 2019

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Appendix A—General obligations for all persons

This appendix is not intended to provide a comprehensive assessment of all obligations under Queensland law. It provides some general information and persons are encouraged to familiarise themselves with all requirements related to their specific operation.

Responsibilities under the *Environmental Protection Act 1994*

All persons within the State of Queensland must also meet their obligations under the *Environmental Protection Act 1994*, and the regulations made under that Act.

General environmental duty

Section 319 of the *Environmental Protection Act 1994* states that we all have a general environmental duty. This means that we are all responsible for the actions we take that affect the environment. We must not carry out any activity that causes or is likely to cause environmental harm unless we take all reasonable and practicable measures to prevent or minimise the harm. To decide what meets your general environmental duty, you need to consider:

- the nature of the harm or potential harm
- the sensitivity of the receiving environment
- the current state of technical knowledge for the activity
- the likelihood of successful application of the different measures to prevent or minimise environmental harm that might be taken
- the financial implications of the different measures as they would relate to the type of activity.

It is not an offence not to comply with the general environmental duty. However, maintaining your general environmental duty is a defence against the following acts:

- (a) an act that causes serious or material environmental harm or an environmental nuisance
- (b) an act that contravenes a noise standard
- (c) a deposit of a contaminant, or release of stormwater run-off, mentioned in section 440ZG.

More information is available on the Department of Environment and Science (DES) website:
www.des.qld.gov.au.

Some relevant offences under the *Environmental Protection Act 1994*

Causing serious or material environmental harm (sections 437–39)

Material environmental harm is when the harm is not trivial or negligible in nature. Serious environmental harm is harm that is irreversible, of a high impact or widespread, or that is caused to an area of high conservation value or special significance. Damages, or costs required to rehabilitate the environment, of over \$5,000 constitutes material environmental harm and damages, or costs required to rehabilitate the environment, of over \$50,000 constitutes serious environmental harm.

Serious or material environmental harm excludes environmental nuisance.

Causing environmental nuisance (section 440)

Environmental nuisance is unreasonable interference with an environmental value caused by aerosols, fumes, light, noise, odour, particles or smoke. It may also include an unhealthy, offensive or unsightly condition because of contamination.

Depositing a prescribed water contaminant in waters (section 440ZG)

Prescribed water contaminants include a wide variety of contaminants listed in Schedule 9 of the Environmental Protection Regulation 2008.

It is your responsibility to ensure that prescribed water contaminants are not left in a place where they may or do enter a waterway, the ocean or a stormwater drain. This includes making sure that stormwater falling on or running across your site does not leave the site contaminated. Where stormwater contamination occurs you must ensure that it is treated to remove contaminants. You should also consider where and how you store material used in your processes onsite to reduce the chance of water contamination.

Placing a contaminant where environmental harm or nuisance may be caused (section 443)

A person must not cause or allow a contaminant to be placed in a position where it could reasonably be expected to cause serious or material environmental harm or environmental nuisance.

Some relevant offences under the *Waste Reduction and Recycling Act 2011*

Littering (section 103)

Litter is any domestic or commercial waste and any material a person might reasonably believe is refuse, debris or rubbish. Litter can be almost any material that is disposed of incorrectly. Litter includes cigarette butts and drink bottles dropped on the ground, fast food wrappers thrown out of the car window, poorly secured material from a trailer or grass clippings swept into the gutter. However, litter does not include any gas, dust, smoke or material emitted or produced during, or because of, the normal operations of a building, manufacturing, mining or primary industry.

Illegal dumping of waste (section 104)

Illegal dumping is the dumping of large volumes of litter (200 litres or more) at a place. Illegal dumping can also include abandoned vehicles.

Failure to comply with EOW code (section 158)

A registered resource producer for an EOW code must not produce, use, sell or give away the resource unless the registered resource producer complies with the requirements of the EOW code relating to the resource.

A person, other than a registered resource producer, must not use a resource in a way, or for a purpose, that does not comply with an EOW code for the resource.