Code of environmental compliance

ERA 63(2)—Sewage treatment (sewage pump station)

This code of environmental compliance (code) continues to apply under s.191 of the Environmental Protection Regulation 2019. It contains the standard environmental conditions approved by the Minister, under section 549(2) of the Environmental Protection Act 1994*, for carrying out the aspects of the environmentally relevant activity (ERA) specified in Section 3 of this code.*

Code of environmental compliance for certain aspects* of sewage treatment activities (ERA 63)

Version 1

* This code only applies to the aspects of the ERA that meet the criteria in Section 3 of this code.

Refer to the notes on the next page for important information about changes to how this code applies.

ABN 46 640 294 485

Queensland Government

Notes:

This code refers to ERA 63(3) for sewage pump station. On 31 March 2013, ERA 63 was amended and ERA 63(3) became ERA 63(2).

This code refers to the Environmental Protection Regulation 2008, which was repealed and replaced by the Environmental Protection Regulation 2019 on 1 September 2019. A reference to the repealed regulation or a repealed provision in this code should be read as a reference to the replacement regulation or the corresponding provision in the replacement regulation.

From 31 March 2013, codes of environmental compliance no longer have effect, and an environmental authority is required for this ERA.

The eligibility criteria and standard conditions of this code are taken to be eligibility criteria and standard conditions (an ERA Standard) for the ERA until a new ERA Standard take effect.

Any new operation commencing from 31 March 2013 that meets the eligibility criteria in Section 3 of this code and that can meet all of the standard conditions can apply for a standard approval to carry out this activity. The conditions that apply to the standard approval will be the standard conditions.

Where the operation cannot meet all the standard conditions of this code, a variation application for an environmental authority can be made. The environmental authority will include the standard conditions as modified by any approved variations.

Information on applying for an approval is at www.business.qld.gov.au.

Anyone who held a registration certificate to operate under this code immediately before 31 March 2013 is automatically taken to have an environmental authority for the ERA. The registration certificate became an environmental authority and the standard environmental conditions of this code are the conditions of the environmental authority as standard conditions. The anniversary day of the environmental authority is the anniversary day of the registration certificate.

Code of environmental compliance

ERA 63(3)—Sewage treatment

This code of environmental compliance (code) has been made under Schedule 3 of the Environmental Protection Regulation 2008. It contains the standard environmental conditions approved by the Minister, under section 549(2) of the Environmental Protection Act 1994*, for carrying out the aspects of the environmentally relevant activity (ERA) specified in Section 3 of this code.*

Code of environmental compliance for certain aspects* of sewage treatment activities

(ERA 63)

Version 1

* This code only applies to the aspects of the ERA that meet the criteria in Section 3 of this code.

ABN 46 640 294 485

Table of contents

1. Introduction

The Department of Environment and Heritage Protection (EHP) has simplified the environmental compliance framework for environmentally relevant activities (ERAs) where environmental outcomes can be achieved by developing codes of environmental compliance (codes) that set out standard environmental conditions. The use of codes expedites environmental approval processes whilst still ensuring that there are appropriate standards of environmental management and protection.

Codes are appropriate for those activities that can achieve a good level of environmental protection through established, well understood practices. The standard environmental conditions are based on these practices and require the registered operator to take the necessary measures to prevent or minimise environmental harm.

Key terms and/or phrases used in this code are bolded and defined at the end of this code. Where a term is not defined in this code, the definition in the *Environmental Protection Act 1994* (EP Act), its regulations or Environmental Protection Policies must be used. If a word remains undefined it has its ordinary meaning.

2. Authorisation of the code

The Minister responsible for the EP Act, pursuant to section 549, approved the standard environmental conditions contained in this code on 4 July 2012. Approved codes are listed in Schedule 3 of the Environmental Protection Regulation 2008 (EP Reg).

3. Scope of the code

This code applies only to certain aspects of ERA 63 — Sewage treatment activities.

The aspects of ERA 63 — Sewage treatment activities, that this code applies to is threshold 3 which is outlined below (for the full definition see Schedule 2 of the EP Reg).

ERA 63	**Sewage treatment activities**
Threshold 3	Operating a sewage pumping station with a total design capacity of more than 40kL in an hour, if the operation of the pumping station is not an essential part of the operation of a sewage treatment works to which ERA 63(1) or ERA 63(2) applies.

The operation of the ERA under this code must comply with all of the criteria set out in the following table at all times:

Criteria
Operating a sewage pumping station with a total design capacity of more than 40kL in an hour.

Where the operation of a particular ERA will not meet the above criteria, this code does not apply and a development approval is required to undertake the ERA.

4. When the code takes effect

This code applies immediately to registered operators who commenced activities on or after 9 November 2012.

Registered operators who were carrying out ERA 63(3) under a development approval issued before 9 November 2012, and who continue to carry out the activity have a 12 month transitional period in which to ensure their operations comply with the code. The code becomes effective for those registered operators on 9 November 2013.

5. Enforcement of the code

This code contains standard environmental conditions for carrying out the activities that meet the criteria set out in Section 3 of this code. Failure to comply with the criteria or conditions of the code is an offence and penalties apply. A development approval is required where an ERA 63(3) activity is not self-assessable under this code—It is an offence to undertake an activity without a development approval and penalties apply. Enforcement Guidelines published by the administering authority are available at www.ehp.qld.gov.au.

6. Other requirements

In addition to the conditions in this code, the registered operator carrying out ERA 63(3) must comply with all other relevant Commonwealth, State or local government legislative requirements. Without limiting the requirements that may apply, some additional obligations under the EP Act include:

- holding a **registration certificate** issued by the **administering authority** under section 73F; and
- taking all reasonable and practicable measures to prevent or minimise environmental harm. This is referred to as the 'general environmental duty'.

7. Amendment of this code

This code may be amended from time to time by gazette notice advising that the Minister has approved new conditions. Proposed changes to the standard environmental conditions, other than changes to correct a clerical error, will be made in consultation with stakeholders. Where there is a significant change to the code, the administering authority will notify registered operators affected by the change.

8. Further information or enquiries

Further information is available at www.ehp.qld.gov.au or by contacting the relevant regional office of the administering authority.

General enquiries or suggestions for future amendments to the code should be directed to Permit and Licence Management, Implementation Support Unit on telephone 13 QGOV (13 74 68) or by email at palm@ehp.qld.gov.au.

9. Standard environmental conditions

Standard environmental condition	Advice
Condition 1 – Flooding The **operator** must ensure that **new pumping stations** are constructed to ensure that essential operational components of the pumping station are not impacted in a way which results in a failure of these components by flooding below the **one in 100 year flood level**. The **operator** must, when considering **major upgrades** of **existing pumping stations**, undertake a review of the construction of the essential operational components of the pumping station that may fail as a result of flooding below the **one in 100 year flood level**. The **operator** must consider moving these components above the **one in 100 year flood level**.	When constructing **new pumping stations** in a flood prone area, the switch gear should be located above the **one in 100 year flood level**, as identified at the time of the construction. When upgrading **existing pumping stations** in a flood prone area, the **operator** should consider relocating any switch gear that is below the **one in 100 year flood level**, as identified at the time of the upgrade. Any upgrades should be included within the sewage overflow abatement plan as required by condition 7 of this **approval**.
Condition 2 – Flooding The **operator** must ensure that **new pumping stations** are constructed so that storm and flood waters can not enter the pump well. The **operator** must, when considering **major upgrades** of **existing pumping stations**, undertake a review of the construction and consider improvements to reduce the potential for storm and flood waters to enter the pump well.	When constructing **new pumping stations** openings to the well (such as maintenance holes) should not be lower than the **one in 100 year flood level**, as identified at the time of the construction. When upgrading **existing pumping stations** in a flood prone area, the **operator** should consider upgrades to restrict water from entering the well if located below the **one in 100 year flood level**, as identified at the time of the upgrade. Any upgrades should be included within the sewage overflow abatement plan as required by condition 7 of this **approval**.
Condition 3 – Maintenance of measures, plant and equipment The **operator** must: (a) maintain all measures, plant and equipment in an effective condition and keep records of the maintenance (b) operate such measures, plant and equipment in an effective manner.	

Standard environmental condition	Advice
Condition 4 – Integrated environmental management system For **new pumping stations** the **operator** must document and comply with an integrated environmental management system (IEMS) prior to the commencement of this **activity**. For **existing pumping stations** the **operator** must document and comply with an IEMS within 12 months of the date this **approval** takes effect. The IEMS must identify all causes of **environmental harm** including, but not limited to, the actual and potential release of any contaminants, the nature of the **environmental harm** and the actions that will be taken to prevent **environmental harm** being caused. The IEMS must achieve the following outcomes: (a) environmental aspects and potential impacts are identified (b) a contingency plan and emergency response plan are in place (c) a network plan of the sewage collection system including connected pumping stations and likely overflow points is maintained (d) control measures that minimise the potential for **environmental harm** are in place (e) organisational structures, accountability and responsibilities are recorded (f) effective, practical communication arrangements, including documentation of such (g) all contaminant releases, and an estimate of their impact on the receiving environment are recorded (h) staff are trained and aware of the requirements of this **approval**.	The IEMS is a commitment to complying with the **approval**. It is generally for the benefit of the **operator** in helping them to clarify and comply with the **approval** requirements. The IEMS may not necessarily be site specific. It should provide guiding principles to help plan ways to manage risks and minimise any potential **environmental harm**. For example, by identifying: • what contaminants could be released • where any contaminants released would go and their impact • that actions could be taken to contain any release • what precautions could be taken to prevent a release. This information can then be used to include procedures for prioritising responses to overflow events based on the risk to the receiving environment and the extent of the release. An IEMS may be used for a sewage network. However, any IEMS used for a network must be updated to reflect a new **activity** to which this **approval** applies. An IEMS may also be used to demonstrate compliance with the general environmental duty for other pumping stations which are not licensed but may still have the potential to cause **environmental harm**.

Standard environmental condition	Advice
Condition 5 – Contingency plan For **new pumping stations** the **operator** must document and comply with a contingency plan prior to the commencement of this **activity**. For **existing pumping stations** the **operator** must document and comply with a contingency plan within 24 months of the date this **approval** takes effect. The contingency plan must provide for: (a) standard connections for emergency by-pass pumping (b) standard connections for mobile generators, or a back-up power source that automatically starts in the event of power failure (c) stand-by pumping equipment and associated controls (d) identification of critical components and a system to ensure adequate and timely access to spare parts (e) access for maintenance and emergency activities (f) testing and validation of any relevant equipment used or related to the contingency plan as necessary.	The detail of the contingency plan should reflect the complexity and risk of the **activity** at the site specific location. Where an IEMS has been developed for a sewage network there may be a contingency plan applicable to many pumping stations within the network based on the level of risk posed by the pumping stations. In this instance the one contingency plan can be used but must be updated to reflect the addition of the new **activity** to which this **approval** applies. While this condition requires the contingency plan to include provision for certain requirements, these are not intended to be restrictive. Where these requirements can be met in an alternative way or might not be relevant to a site specific **activity** this should be clearly documented. If you are proposing alternative arrangements you should consult the **administering authority**.

Standard environmental condition	Advice
Condition 6 – Emergency response plan For **new pumping stations** the **operator** must document and comply with an emergency response plan prior to the commencement of this **activity**. For **existing pumping stations** the **operator** must document and comply with an emergency response plan within 24 months of the date this **approval** takes effect. The emergency response plan must provide for: (a) an implementation manual (b) staff training (c) identification of the part of the environment to which a sewage release may occur (for example, for water bodies, a description of where contaminants may enter the particular water body) (d) remediation and clean up of areas affected by sewage releases (e) receiving environment (surface waters/land) monitoring program for all notifiable releases to examine and assess environmental impacts (f) ongoing investigation and review to establish the cause of sewage releases, initiate corrective and/or preventative measures, and report on the effectiveness of such corrective and/or preventative measures.	The detail of the emergency response plan should reflect the complexity and risk of the **activity** at the site specific location. Where an IEMS has been developed for a sewage network there may be an emergency response plan applicable to many pumping stations within the network based on the level of risk posed by the pumping stations. In this instance the one emergency response plan can be used but must be updated to reflect the addition of the new **activity** to which this **approval** applies. While this condition requires the emergency response to include provision for certain requirements, these are not intended to be restrictive. Where these requirements can be met in an alternative way or might not be relevant to a site specific **activity** this should be clearly documented. If you are proposing alternative arrangements you should consult the **administering authority**. A receiving environment monitoring program must be sufficient to demonstrate the extent of the contamination and the time taken for the receiving environment to return to normal. For a release to waters, upstream and downstream monitoring may be required.
Condition 7 – Sewage overflow abatement plan For **new pumping stations** the **operator** must document and comply with a sewage overflow abatement plan within 12 months of the date this **approval** takes effect. For **existing pumping stations** the **operator** must document and comply with a sewage overflow abatement plan within 24 months of the date this **approval** takes effect. The sewage overflow abatement plan must consider the existing performance and trends, and the potential receiving environment of the pumping station. It must: (a) identify where the greatest risks of causing **environmental harm** are (b) identify and evaluate measures in place to reduce the incidence of overflows (c) develop a program of works with a timetable for implementation (d) assess performance and trends for any implemented works.	The detail of the sewage overflow abatement plan should reflect the complexity and risk of the **activity** at the site specific location. Where an IEMS has been developed for a sewage network there may be a sewage overflow abatement plan applicable to many pumping stations within the network based on the level of risk posed by the pumping stations. In this instance the one sewage overflow abatement plan can be used but must be updated to reflect the addition of the new **activity** to which this **approval** applies. Where flooding issues have been identified (as outlined in conditions 1 and 2), upgrades must be included within the sewage overflow abatement plan.

Standard environmental condition	Advice
Condition 8 – Records The **operator** must record, compile and keep all maintenance and monitoring results, plans and documents required by this **approval** and present this information to an **authorised person** or the **administering authority** when requested.	Records should verify the provision of training programs and schedules of routine inspections.
Condition 9 – Records All records required by this **approval** must be kept for five years.	
Condition 10 – Release to land and waters The **operator** must ensure that contaminants are not released to land or waters (including the bed and banks of any waters) as a result of the **activity**.	The **administering authority** acknowledges that a typical design for sewerage system capacity is three to five times average daily dry weather flow and that overflows may occur in wet weather when the design capacity of the sewerage system is exceeded.
Condition 11 – Notifiable release The **operator** must notify the **administering authority** via the 24 hour Pollution Hotline or the district office no later than three hours after becoming aware of a sewage release that: (a) poses a threat to public health (for example, contamination of **waters** with primary recreation values); (b) results in any observable environmental impact (for example, fish kill, distress to wildlife, marine plants or other aquatic life); (c) discharges to, or is likely to impact, a sensitive environment (for example, Ramsar wetland, marine park, or area designated as a conservation zone under a relevant planning scheme); or (d) is 10 000 L or more during dry weather.	The **administering authority** may need to respond quickly to some spills with the potential to cause **environmental harm**. Priority should be given to notifying the **administering authority** of these spills immediately after they occur. The 24 hour Pollution Hotline number is 1300 130 372. Where an event has occurred that causes or threatens serious or material **environmental harm** the duty to notify **environmental harm** requirements as per ss. 320-320G of the EP Act will also apply. Where reporting under ss. 320-320G is provided and satisfies the notification conditions of this **approval**, it is not necessary to report again against this **approval**. The **administering authority**'s district office is the office responsible for the local government area where the release has occurred. Where the volume of the release is unknown an estimate is to be provided.

Standard environmental condition	Advice
Condition 12 – Notifiable release Within 24 hours after becoming aware of a notifiable release in accordance with condition 11, email or written notification of the release must be submitted to the **administering authority** outlining the event, its nature and the circumstances in which it happened.	Where there has been a threat to public health this notification should include evidence that owners or occupiers of the affected land have been notified. This can be by public notification.
Condition 13 – Notifiable release A final report must be provided to the **administering authority** within 14 business days of the conclusion of the spill response and remediation of a notifiable release, but no later than 20 business days after the commencement of the release.	Any additional information such as sampling results maybe added to the report in the form of attachments at any time. If the commencement of the release is unknown, an estimation of the time and date of the commencement of the release is to be provided.
Condition 14 – General release reporting All releases must be reported to the **administering authority** in the form of an annual report by 30 September covering the period 1 July – 30 June of the previous year.	All discharges include notifiable releases and all other releases from the pumping station. These should be clearly identified in the report. Where the **activity** is part of a sewage network, annual reporting for the network may be provided to satisfy this condition.
Condition 15 – General release reporting Annual reports outlining all releases in accordance with condition 14 must clearly identify: (a) the waste water treatment plant which the pumping station is connected to (b) the number of releases (c) the volume (or estimate of the volume) of each release (d) the location of each release by suburb post code (e) if the release was reported under ss. 320-320G of the *Environmental Protection Act 1994*.	Reporting should be provided in a way in which the data is easy to handle and review. It would be beneficial to also include the reason for the release when reporting. An example would be in an excel spreadsheet.
Condition 16 – Monitoring The **operator** must ensure that all monitoring, assessments and reports required by this **approval** are conducted by a person with appropriate experience and/or qualifications. Water monitoring must be undertaken in accordance with the **administering authority's** Water Quality Sampling Manual and other relevant standards.	

Standard environmental condition	Advice
Condition 17 – Trained/experienced operator(s) The **operator** must ensure that the daily **operation** and maintenance of the pumping station is carried out by a person with experience and/or qualifications appropriate to ensuring the effective operation of the pumping station.	
Condition 18 – Equipment calibration The **operator** must ensure that all instruments, equipment and measuring devices used for measuring or monitoring in accordance with any condition of this **approval** are calibrated, operated and maintained in accordance with the manufacturer's specifications.	
Condition 19 – Complaint response The **operator** must record the following details for all complaints received and this information must be provided to an **authorised person** or the **administering authority** on request: (a) time, date, name and contact details of the complainant (b) reasons for the complaint (c) any investigation undertaken (d) conclusions formed (e) any actions taken.	If the complainant does not wish to have their name and contact details recorded, note this as an anonymous complaint.
Condition 20 – Air nuisance The **operator** must ensure that the release of odours or airborne contaminants resulting from the **activity** do not cause **environmental nuisance** at a nuisance **sensitive place** or **commercial place**.	
Condition 21 – Noise nuisance The **operator** must ensure that noise resulting from the **activity** does not cause **environmental nuisance** at a nuisance **sensitive place** or **commercial place**.	

Standard environmental condition	Advice
Condition 22 – Noise monitoring When requested by the **administering authority**, the **operator** must undertake noise monitoring to investigate any complaint of noise nuisance. The monitoring must be undertaken and results must be notified to the **administering authority** in the format and within the time specified by the **administering authority**. Monitoring must include: (a) measurement of $L_{A90, adj, 15 mins}$ (b) measurement of $L_{A10, adj, 10 mins}$ (c) measurement of $L_{Aeq, adj, 10 mins}$ (d) the level and frequency of occurrence of impulsive or tonal noise (e) atmospheric conditions including wind speed and direction (f) effects due to extraneous factors such as traffic noise (g) the location, date and time of monitoring.	
Condition 23 – Noise monitoring The **operator** must ensure that the method of measurement and reporting of noise levels complies with the latest edition of the **administering authority**'s Noise Measurement Manual.	The **administering authority**'s Noise Measurement Manual is available at www.ehp.qld.gov.au.
Condition 24 – Responding to potential releases The **operator** must ensure that there are appropriate physical systems in place to anticipate a potential release.	This may include an alarm system using one or more of the following; pump-failure alarms or level alarms for sewage contained in the pump well.
Condition 25 – Responding to potential releases Any system developed in line with condition 24 must be able to operate for a sufficient time to allow for notification of the potential release to the **operator** and an appropriate response.	This may include having back up power available or providing additional detention capacity.
Condition 26 – Responding to potential releases Any identification of a potential release must be responded to by the **operator**.	Response times should consider the potential for **environmental harm** based on site specific details and the potential volume of release from the pumping station.

10. Definitions

Words and phrases used throughout this guideline are defined below. Where a definition for a term used in this guideline is sought and the term is not defined the administering authority may be contacted to provide clarification.

One in 100 year flood level means the level reached by a flood event with an annual recurrence interval of one in 100 years.

Activity means ERA 63 (3).

Administering authority means the Department of Environment and Heritage Protection, or the department responsible for administering the *Environmental Protection Act 1994.*

Authorised person means a person authorised under the *Environmental Protection Act 1994*.

Approval means this code of environmental compliance.

Commercial place means a place used as an office or for business or commercial purposes.

Environmental harm (as defined in Section 14 of the *Environmental Protection Act 1994*) is any adverse effect, or potential adverse effect (whether temporary or permanent and of whatever magnitude, duration or frequency) on an environmental value, and includes **environmental nuisance**. **Environmental harm** may be caused by an activity:

a) whether the harm is a direct or indirect result of the activity

b) whether the harm results from the activity alone or from the combined effects of the activity and other activities or factors.

Environmental nuisance (as defined in Section 15 of the *Environmental Protection Act 1994*) means— 'unreasonable interference or likely interference with an environmental value' caused by:

a) aerosols, fumes, light, noise, odour, particles or smoke

b) an unhealthy, offensive or unsightly condition because of contamination

c) another way prescribed by regulation.

Existing pumping stations means pumping stations that were constructed before 1 January 2009.

$L_{A\ 90,\ adj,\ 15\ mins}$ means the A-weighted sound pressure level, (adjusted for tonal character and impulsiveness of the sound) exceeded for 90 per cent of any 15 minute measurement period, using fast response.

$L_{A\ 10,\ adj,\ 10\ mins}$ means the A-weighted sound pressure level, (adjusted for tonal character and impulsiveness of the sound) exceeded for 10 per cent of any 10 minute measurement period, using fast response.

$L_{A\ eq}$ means the equivalent continuous A-weighted sound pressure level of the residual noise determined over a specified time interval.

Major upgrades means upgrades which will involve expenditure in excess of $150 000. This figure is relevant as of 1 January 2012 and will increase by three per cent as of 1 January hereafter.

New pumping stations means pumping stations that were constructed on or after 1 January 2009.

Operation means the development approved under this **approval.**

Operator means any of the following:

a) a person having the benefit of this **approval**

b) the holder of a registration certificate for this **approval**

c) anyone undertaking the **activity** to which this **approval** relates

Note: it is an offence to carry out work under an **approval** without a relevant registration certificate.

Sensitive place means:

a) a dwelling (including residential allotment, mobile home or caravan park, residential marina or other residential premises, motel, hotel or hostel

b) a library, childcare centre, kindergarten, school, university or other educational institution

c) a medical centre, surgery or hospital

d) a protected area

e) a public park or garden that is open to the public (whether or not on payment of money) for use other than for sport or organised entertainment.

Waters means all Queensland waters and includes rivers, streams, lakes, lagoons, ponds, swamps, wetlands, surface waters, bed and bank of any waters, dams, non-tidal or tidal waters (including the sea), any ground water and any part thereof.