

Recycled water management plan exemption guidelines

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1. Introduction

The relevant recycled water provisions of the *Water Supply (Safety and Reliability) Act 2008* (the Act) commenced on 1 July 2008 and are administered by the Department of Natural Resources and Water (NRW). The chief executive of NRW is the regulator under the Act.

The Act includes provisions relating to recycled water. The primary aim of the recycled water provisions is to protect public health and, for certain schemes known as critical recycled water schemes, to ensure continuity of operation of the scheme to meet the essential water supply needs of the community or industry.

The Act requires that a recycled water provider must have either of the following before supplying recycled water unless they are covered by a transitional period:

- a recycled water management plan (RWMP) approved by the regulator; or
- an exemption from preparation of a RWMP granted by the regulator.

Transitional periods about recycled water are summarised in ‘Table 1 Statutory periods for obtaining an exemption’ of these guidelines or specified in sections. 631–634 of the Act.

The Act can be viewed at <www.legislation.qld.gov.au>.

1.1 Scope of the *Water Supply (Safety and Reliability) Act 2008*

1.1.1 What is recycled water?

The Act covers specific sources of recycled water that are intended to be reused. The term ‘reused’ includes being treated to improve the water’s quality, but does not include merely being discharged into, or disposed of in, the environment. For example, water being placed in a dam to augment drinking water supplies is covered, but water being discharged into a river for disposal under an approval issued by the Environmental Protection Agency is not covered.

The sources of recycled water covered by the legislation are:

1. **Sewage or effluent sourced from a service provider’s sewerage.** A service provider is defined in the Act as:

- a local government that owns infrastructure for supplying water or sewerage services
- a water authority that owns infrastructure for supplying water or sewerage services
- each person who is:
 - the owner of one or more elements of infrastructure for supplying water or sewerage services for which a charge is intended to be made; or
 - a person nominated in a regulation as a related entity of a person who is the owner of one or more elements of infrastructure for supplying water or sewerage services for which a charge is intended to be made.

Owning infrastructure for the production and supply of recycled water does not in itself qualify a person as a service provider unless the person also owns other infrastructure for the supply of a water or sewerage service. A service provider does not include a service supplied by infrastructure, if:

- the infrastructure is used solely for mining purposes;
- the service is used only by:
 - the owner of the infrastructure or the owner’s guests or employees including, for example, guests at a resort; or
 - if the owner of the infrastructure is a body corporate for a community titles scheme under the *Body Corporate and Community Management Act 1997*—the occupants of lots in the scheme.

2. **Greywater sourced from a large greywater treatment plant** as defined in the *Plumbing and Drainage Act 2002*. A large greywater treatment plant is a plant capable of treating at least 50 kilolitres of greywater a day. While greywater is defined in the *Plumbing and Drainage Act 2002* as wastewater from a bath, basin, kitchen, laundry or shower, whether or not the wastewater is contaminated with human waste, kitchen greywater is not allowed to be recycled¹.
3. **Wastewater**, other than water outlined in points 1 and 2 above. Wastewater means the spent or used water generated on premises from industrial, commercial or manufacturing activities, or animal husbandry activities prescribed under a regulation, other than spent or used water generated from an agricultural activity or a mining activity² or petroleum activity³. However, wastewater is not covered by the Act if:
 - it is not supplied to another entity, that is, if the wastewater is used by the entity generating the recycled water, it does not fall under the jurisdiction of the Act. The Department of Employment and Industrial Relations has jurisdiction under the *Workplace Health and Safety Act 1995* in those circumstances.
 - it is supplied to an entity prescribed under a regulation as a related entity to the entity that produces the recycled water. At the date of the approval of this guideline, there was no regulation for any entity to be prescribed. However it is envisaged that related entities prescribed in any future regulation would include certain familial relationships. For example, it is likely to include supply of wastewater by a husband to his wife.

Wastewater is only covered by the Act when it is supplied to another entity for reuse, where the other entity is not a related entity. Sewage, effluent or greywater is covered by the Act where it is reused by the entity that produces it, or supplied by that entity to another entity for reuse.

For the purposes of the Act, recycled water does not include for example stormwater, desalinated water or water extracted during coal seam methane gas extraction processes.

1.1.2 Who is a recycled water provider?

A recycled water provider means an entity that:

- owns infrastructure for the production and supply of recycled water; or
- another entity prescribed under a regulation that owns infrastructure for the supply of recycled water. This only applies to a single-entity scheme and enables other entities which supply, but do not produce, recycled water to be covered by the legislation. For instance, a pipeline supplying recycled water from one entity to another may be prescribed under a regulation as a recycled water provider.

In some cases, recycled water schemes may operate in sequence, that is, a recycled water provider may obtain their source water from another recycled water provider. For example, an advanced water treatment plant owner may treat and use effluent from a local government's sewerage treatment plant, where the owners are different, both would be considered as recycled water providers and both require their own RWMP or exemption.

1 Under the *Water Supply (Safety and Reliability) Act 2008* greywater does not include wastewater from a kitchen.

2 Defined in the *Environmental Protection Act 1994* section 147.

3 Defined in the *Environmental Protection Act 1994* section 77(1).

A recycled water scheme can be declared a critical scheme by the regulator⁴. A critical recycled water scheme can involve either a single-entity or multiple-entities. For multiple-entity critical recycled water schemes⁵:

- there must also be a nominated scheme manager
- there may also be other declared entities, which are other entities other than the scheme manager or recycled water provider(s). Other declared entities are owners of infrastructure for the supply, rather than production and supply, of recycled water. These entities are specifically identified as other declared entities when a scheme is declared to be a critical recycled water scheme by the regulator. For example, in a scheme supplying recycled water to augment drinking water supplies where there is an entity who does not own infrastructure for the production of recycled water, but that entity does own infrastructure for the supply of recycled water (for example, a pipeline), that entity may be declared to be part of a recycled water scheme.

For the purpose of these guidelines, a reference to a recycled water provider also includes a declared entity under the Act.

1.2 Aim of the guidelines

The *Recycled water management plan exemption guidelines* have been prepared to provide guidance for the application and granting of exemptions. The Act requires that an application for an exemption be accompanied by the information or documents required to be given under this guideline (section 250 of the Act).

This guideline provides information about:

- which recycled water providers may not apply for an exemption
- which recycled water providers may apply for an exemption
- how to make an application for an exemption
- the process used to determine if an exemption will be granted
- the obligations of a recycled water provider who has been granted an exemption.

It is anticipated that these guidelines will be reviewed.

In these guidelines, some of the regulator's requirements are mandatory as they are legislative requirements of the Act. Where the regulator's requirement is mandatory, the guideline will use the word 'must'. In this case, the recycled water provider must supply the information required and in the manner prescribed. It is the recycled water provider's responsibility to ensure that mandatory legislative requirements of the Act are met.

In other cases, the regulator's requirements are not mandatory. If the requirement is not mandatory the word 'should' is used in these guidelines and recycled water providers are able to follow the guideline suggestion if they choose, or alternatively choose their own methods or information for achieving requirements.

If a recycled water provider chooses to use their own method for satisfying the regulator's requirement, the regulator will assess that alternative approach against the regulator's policy objectives and the overarching aims of the Act. The explanatory material in this guideline is indicative of the regulator's policy objectives and the Act's aims, but the regulator may also choose to look at other information which supports its policy objectives and the Act's aims such as best practice industry standards, information provided by technical experts or other health based information.

⁴ The regulator may declare a recycled water scheme to be a critical recycled water scheme if the regulator reasonably believes the declaration is necessary to maintain continuity of operation of the scheme to meet the essential water supply needs of the community or industry or to ensure the appropriate management of risks to public health posed by the supply of recycled water under the scheme. Refer to sections 300–307 of the Act for additional information on the declaration of critical recycled water schemes. These sections also contain information about which of those schemes the regulator must declare critical.

⁵ A multiple-entity recycled water scheme includes more than one recycled water provider or at least one recycled water provider and another entity.

1.3 Relationships to other guidelines

1.3.1 Are there any other regulatory guidelines?

These guidelines are part of a suite of guidelines prepared to assist recycled water providers in understanding the requirements that the Act places upon them. In addition to these guidelines, other regulatory guidelines in this suite include:

- *Recycled water management plan and validation guidelines*
- *Water quality guidelines for recycled water schemes*
- *Audit and annual reporting guidelines*⁶.

There are other guidelines, outlined in section 1.3.2, which provide advice on water recycling. However, the regulator must have regard to these guidelines when determining whether to grant an exemption.

1.3.2 What other useful information is available?

Other sources of valuable information are available for potential recycled water providers considering or intending to establish a recycled water scheme.

The *Australian Guidelines for Water Recycling: Managing Health and Environmental Risks (Phase 1) (2006)* (AGWR Phase 1) and the *Australian Guidelines for Water Recycling: Managing Health and Environmental Risks (Phase 2) Augmentation of Drinking Water Supplies (2007)* (AGWR Phase 2) outline a risk management approach to the production and use of recycled water based on the framework developed for the *Australian Drinking Water Guidelines (2004)*.

Phase 1 of the AGWR focuses only on sewage and greywater as sources of recycled water. They provide specific guidance on the use of treated sewage and greywater for purposes other than augmentation of drinking water supplies and environmental flows. More information on the AGWR can be found on the Environment Protection and Heritage Council website at <www.ephc.gov.au>.

The module of the AGWR Phase 2 addressing augmentation of drinking supplies has already been published. Subsequent modules are being developed and will focus on other aspects of recycled water such as stormwater harvesting and end uses such as modified aquifer recharge. All modules are based on a risk management approach.

The *Manual for Recycled Water Agreements in Queensland* published by the Queensland Government provides information and guidance on writing a contract for the supply and use of recycled water. The manual can be found on the NRW website at <www.nrw.qld.gov.au>.

Water Services Association of Australia (WSAA) National Wastewater Source Management Guidelines July 2008 have been approved and are a useful reference for any scheme which requires sewage source control.

1.3.3 Relationship to other legislation and regulations

Recycled water schemes may operate under different legislation which must be complied with, for example, *Workplace Health and Safety Act 1995*, *Plumbing and Drainage Act 2002* and the *Environmental Protection Act 1994*. The requirements of the Act do not negate the requirements of other legislation unless where expressly stated or by implication. It is the responsibility of the recycled water provider, or scheme manager where applicable, to determine and ensure compliance with relevant legislative obligations.

⁶ The *Audit and annual reporting guidelines* are being developed and will be made available when approved.

2. What is an exemption?

The purpose of the Act is to provide for the safety and reliability of recycled water.

The RWMP is the main mechanism for achieving these aims, and its purposes are to:

- protect public health; and
- if the plan is for a critical recycled water scheme, to ensure continuity of operation of the scheme.

A RWMP is a documented, risk-based system for managing the production and supply of recycled water. The implementation of a RWMP is intended to ensure safe water recycling, through the identification and minimisation of risks.

The Act also recognises that there will be recycled water providers, not operating a critical recycled water scheme, which supply recycled water where the potential risks to public health are minimal. Consequently, the Act allows some recycled water providers to apply for an exemption from preparing a RWMP.

Note: Having an exemption does not mean a recycled water provider has no obligations under the Act. Instead it means that the recycled water provider has less extensive obligations than those recycled water providers operating under a RWMP.

3. Which schemes may be considered for an exemption?

3.1 Who cannot apply for an exemption?

Recycled water providers that are declared to be part of a critical recycled water scheme by the regulator cannot apply for an exemption (section 250(1) of the Act). Those providers must prepare a RWMP—refer to the *Recycled water management plan and validation guidelines* for additional information.

If a recycled water provider is part of a critical scheme but also uses the same recycled water infrastructure to supply other potentially ‘non-critical’ schemes, that provider may still be able to apply for an exemption for the ‘non-critical’ uses.

3.2 Who can apply for an exemption?

All other recycled water providers may apply for an exemption and each application will be assessed by the regulator on a case by case basis.

3.3 How will applications for an exemption be assessed?

Applications for an exemption will be considered and assessed based on the potential for, and levels of, human exposure to the recycled water and associated risks.

While the following types of schemes may apply for an exemption, the regulator is unlikely to approve an exemption for schemes supplying recycled water for these uses:

- for dual reticulation purposes
- to power stations
- for minimally processed food crops.

Note: While a recycled water provider may make an application for an exemption, each case is considered on its own merits and there is no assurance that any particular scheme or type of scheme will be granted an exemption. After considering the circumstances of each case, the regulator may determine that an exemption is granted or refused. If an exemption is not granted, the recycled water provider must prepare and submit a RWMP for approval or cease supply.

While schemes eligible to apply for an exemption will be considered on a case by case basis, due to the potential for, and levels of, human exposure to the recycled water and associated risks; the regulator may grant an exemption for recycled water schemes supplying recycled water for:

1. Irrigation of public open space
2. Irrigation of non-food crops and heavily processed food crops
3. Further treatment. In some cases, recycled water providers may not treat their source water at all, or only to a limited extent, and may then supply that water to another recycled water provider for further treatment and supply. In these cases, the first recycled water provider may be eligible to apply for an exemption
4. Users operating in compliance with an industry code or best practice management document
5. Other uses where the recycled water provider can demonstrate that the overall risk to public health is minimal. For example, industrial wastewater being supplied to another industrial user where proper control measures are in place.

The exemption will only be granted for item 4 above if the regulator is satisfied that:

- the recycled water provider will be operating under the code or best practice management document
- the requirements of the code or best practice management document will adequately address the management of risks associated with producing and supplying recycled water
- the types of proposed uses have a low potential for, and levels of, human exposure to the recycled water and associated risks, which did not warrant a RWMP being prepared for approval by the regulator
- the user will be using the water in accordance with the code or best practice management document.

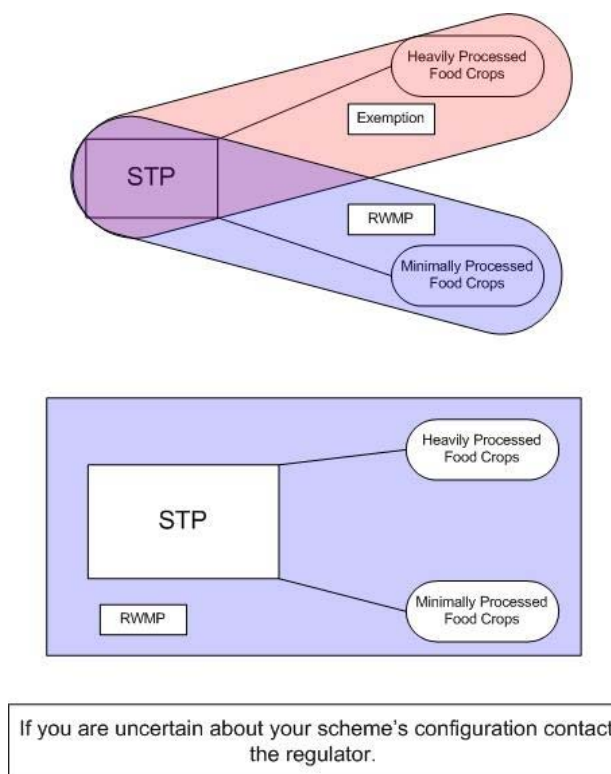
When applying for an exemption on this basis, the exemption application should include a copy of the particular code or other document and contain information about how the recycled water provider proposes to meet the requirements of the code or best practice management document. The regulator does not ‘pre-approve’ industry codes. Each decision about the suitability of an industry code or best practice management document and the potential of the recycled water provider to meet the requirements of the code or best practice management document and other requirements is made on a case by case basis.

3.4 Schemes sharing infrastructure

The same infrastructure may be included in several schemes. This has the effect that the regulator may approve an exemption(s) for a number of uses of recycled water from one provider and only require a RWMP for the uses not exempted. For example, a service provider’s sewerage treatment plant may supply one class of water for heavily processed food crops (for which an exemption has been granted) and another class of water for minimally processed food crops (for which no exemption has been granted). In this case a RWMP would be required for all infrastructure associated with the production and supply of the recycled water to the minimally processed food crops. The recycled water provider may nonetheless choose to prepare one RWMP that addresses the supply of both classes of recycled water.

The diagram below represents the options, which may be chosen by the recycled water provider when they have schemes sharing infrastructure.

Diagram 1



4. What obligations apply to a recycled water provider with an exemption?

4.1 General obligations

A recycled water provider granted an exemption must comply with the exemption. Additionally, there are two types of conditions which can apply to an exemption. The first are statutory conditions which apply to all granted exemptions and are imposed as a requirement of section 256 of the Act. The second are conditions placed on the information notice for the decision by the regulator (known as regulator conditions).

If a recycled water provider fails to comply with the exemption or any conditions (either the statutory conditions or the regulator conditions), the regulator may take a range of compliance actions, including cancelling or amending an exemption. Significant penalties apply for not complying with these requirements. In addition, a recycled water provider has a general obligation under the *Public Health Act 2005* to produce and supply recycled water that is fit for use.

Additional obligations may be placed on an exemption using conditions. Refer to section 7 of these guidelines for more information on conditions.

4.2 Specific obligations

To ensure compliance, a recycled water provider must (among other things):

- meet the specified water quality criteria as outlined in the *Public Health Regulation 2005*, the *Water quality guidelines for recycled water schemes* and in any information notice
- immediately give the regulator notice if there has been a change in the circumstances under which an exemption was granted⁷. This will enable the regulator to amend, or if necessary cancel, the exemption. For example, if the recycled water provider proposes to supply water for a new use the provider must notify the regulator
- comply with any statutory condition applying to the exemption (refer to section 256 (1) of the Act) for example, it is a statutory condition of each granted exemption that if the provider becomes aware that an entity to whom the provider supplies recycled water is using the water other than in a way, or for the purpose, provided for under the exemption, the provider must stop supply of the water to the entity, refer section 7.2.1. for further details
- give the regulator 30 days' notice if the provider proposes to permanently stop supply of recycled water under the scheme, unless the provider has a reasonable excuse⁸. The notice must be given in the approved form and must state the actual date of proposed stoppage. The notice will be deemed to have been withdrawn if the recycled water provider either:
 - (a) fails to give the regulator information which has been requested⁹ about the stoppage notice, without reasonable excuse
 - (b) continues supplying recycled water after the nominated date

If the notice is not withdrawn and supply has stopped, the recycled water provider must give the regulator another notice within five days after the day of the stoppage.

⁷ Recycled water providers should regularly communicate with users and ensure that users are aware that changes they make to the way in which the water is used or the purpose for which the water is used may affect the ability of the recycled water provider to supply recycled water. This is necessary to ensure that users do not inadvertently affect the exemption or the ability of the recycled water provider to supply recycled water under the exemption.

⁸ The aim of the legislation is to protect public health and for certain schemes to ensure continuity of operation of the scheme. Continuity of operation of the scheme is not a requirement for a scheme where an exemption has been granted. The Act does not require a recycled water provider with a granted exemption to continue the supply of recycled water for the scheme with the exemption, that is, if the recycled water provider wishes to cease supply to that scheme, the Act does not prevent the cessation of supply.

⁹ Or, where requested to verify the information, fails to provide the necessary verification under section 230 (6) (b),

- prepare and submit an annual report to the regulator for each financial year after an exemption has been granted. Refer to the *Audit and annual reporting guidelines* for additional information on annual reports.

5. When can an application be made for an exemption?

5.1 What are the transitional periods?

There are a number of deadlines (transitional periods) for having either an approved RWMP or obtaining an exemption. Once the transitional periods have expired, a recycled water provider will not be able to supply recycled water unless they have an approved RWMP or the regulator has granted an exemption.

For schemes that are eligible to apply for an exemption, the transitional periods are set out in sections 631–634 of the Act. The transitional periods are summarised below in ‘Table 1 Statutory periods for obtaining an exemption’.

Table 1 Statutory periods for obtaining an exemption

Scheme type	Timeframes for requiring an approved RWMP or exemption granted	
Supply of recycled water for augmentation of drinking water supplies	Provisions commence immediately for all new and existing recycled water providers, that is, from 1 July 2008 these types of recycled water schemes must have an approved RWMP prior to supplying recycled water.	
Greywater (greater than or equal to 50 kilolitres/day)	Provisions commence immediately for all new and existing recycled water providers, that is, from 1 July 2008 these types of recycled water schemes must have an approved RWMP or exemption prior to supplying recycled water.	
Supply of recycled water for: Dual reticulation ¹⁰ or Irrigation of minimally processed food crops	<p>New schemes:</p> <p>Recycled water schemes commencing supply of recycled water on or after 1 July 2008 and before 31 December 2008 must have an approved RWMP or exemption in place within 6 months after the first day of supply.</p> <p>Recycled water schemes commencing supply on or after 31 December 2008 and before 1 July 2009 must have an approved RWMP or exemption in place by 1 July 2009.</p> <p>Recycled water schemes commencing supply on or after 1 July 2009 must have an approved RWMP or exemption in place before supply.</p>	<p>Existing schemes:</p> <p>Existing recycled water schemes must have an approved RWMP or exemption in place by 1 July 2009.</p>
All other recycled water schemes	<p>New schemes:</p> <p>Recycled water schemes commencing supply on or after 1 July 2008 must have an approved RWMP in place or exemption granted before a day that is one year after the day that recycled water is first supplied under the scheme.</p>	<p>Existing schemes:</p> <p>Existing recycled water schemes must have an approved RWMP in place or exemption granted on or before 1 July 2013.</p>
The regulator has a discretionary power to issue a notice requiring a RWMP. This power may be exercised if the regulator identifies the need for an early submission of a RWMP to minimise public health risks or the scheme becomes a critical recycled water scheme.		

¹⁰ Those schemes that have been declared critical by the regulator and which supply or propose to supply at least 500kL per day for dual reticulation purposes, will be unable to apply for an exemption (refer section 250(1)).

Note: Timeframes for the transitional periods are for obtaining the necessary approval/exemption not merely submitting an application. Further information on timeframes required for consideration of an application is contained in section 5.2.

For example, for a scheme supplying recycled water for golf course irrigation which commenced supply on 2 July 2008, the scheme must have either an approved RWMP or exemption granted by the regulator before 3 July 2009, to meet requirements of the transitional periods outlined in this section. If the recycled water provider does not have an approved RWMP or exemption granted by the regulator by 3 July 2009, the provider must cease supply until they have the approved RWMP or exemption.

5.2 What are the timeframes required for consideration of an application for an exemption?

Submitting applications in a timely manner is particularly important for those recycled water providers seeking an exemption as the provider needs to allow:

- sufficient time for the regulator to consider the application, seek additional information if required and make a decision (refer to ‘Flowchart 1—Timeframes for consideration of an exemption application’)
- additional time to prepare and submit a RWMP if the application for an exemption is refused.

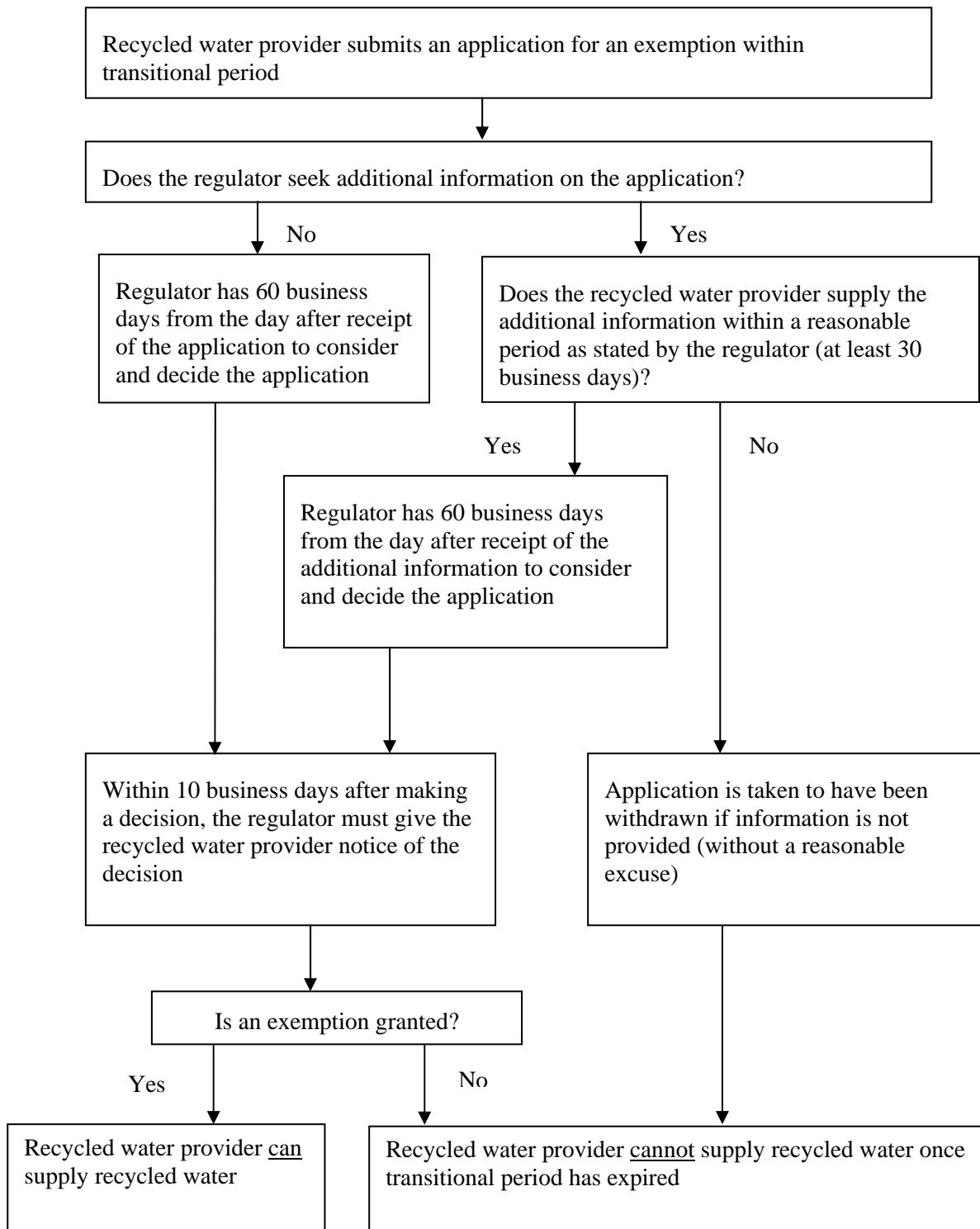
Note: For consideration and approval of a RWMP, the regulator has 80 business days from the day after receiving the application for a RWMP to consider and decide the application (section 205 of the Act). If the regulator seeks additional information, those 80 business days only commence after the request for additional information has been fulfilled.

Flowchart 1—Timeframes for consideration of an exemption application

Recycled water provider prepares an application for exemption including the water quality report

Note: For the water quality report, 13 weeks of twice-weekly testing is required. Recycled water providers may choose at their own discretion to go beyond this. The regulator may alter this testing period on a case by case basis.

Existing schemes should contact the regulator to discuss alternative arrangements to the 13 weeks of twice-weekly testing. This may include a targeted monitoring program to provide further information in addition to available data which the recycled water provider is able to provide, or testing of a specific parameter.



6. How is an application for an exemption made?

6.1 What does an application require?

An application for an exemption must:

- be in the approved form
- contain, or be accompanied by, the information or documents required to be given, as outlined in these guidelines
- be supported by enough information to enable the regulator to decide the application
- be accompanied by a fee prescribed under a regulation¹¹.

6.2 What information do I have to give the regulator in my application?

An application for an exemption should contain the information listed in ‘Table 2 Information required for an exemption application’.

Table 2 Information required for an exemption application

Information type	Specific details that should be included
Recycled water provider details	<ul style="list-style-type: none"> • the name of the recycled water provider, including an ABN and ACN if applicable • a duly authorised contact person including position and contact details (nominee).
Scheme details to which the exemption application applies	<ul style="list-style-type: none"> • a name for the scheme • the physical location of the scheme, such as address or registered plan location • a general description of the infrastructure used in producing and supplying recycled water for the scheme.
Nature of the scheme	<ul style="list-style-type: none"> • the quality of water being supplied for each of the uses in the scheme • the volume of recycled water supplied for each type of use • the primary source of the water being treated, for example, sewage derived, greywater or wastewater¹².
Infrastructure/distribution systems for delivery	<p>This information is necessary to inform the regulator about the recycled water being produced and its uses. The information required will be a description of the recycled water provider’s infrastructure and delivery systems. This includes infrastructure or delivery systems such as:</p> <ul style="list-style-type: none"> • treatment plant(s) • storage facilities • pump stations • pipelines • irrigation system, for example, above ground delivery, below ground delivery, spray, drip, if applicable. <p>This information should include a schematic diagram clearly showing the linkages between each of the major infrastructure/distribution system components and the point of supply for each use/user.</p> <p>If a recycled water provider supplies recycled water to another recycled</p>

¹¹ Currently there is no prescribed fee for an application for an exemption.

¹² Note wastewater is only within the scope of the Act if it is transferred to another entity that is not a related entity. Refer section 1.1.1 of these guidelines for further details

Information type	Specific details that should be included
	water provider, which must have either an approved RWMP or an exemption, the description of infrastructure/delivery scheme can cease at the point where the water enters the other provider's infrastructure.
Water quality report (verification)	A water quality report that meets the requirements outlined in section 6.3 should be attached to the application.
Water supply arrangements	<p>The regulator requires particular information to determine whether the recycled water quality is appropriate for the end use. This determination requires consideration of the water supply arrangements between the user and the recycled water provider (water quality for end use as well as any on-site control measures put in place by the user).</p> <p>The information should include:</p> <ul style="list-style-type: none"> • a list of all of the intended uses for the recycled water¹³. For example, a recycled water provider may supply recycled water for irrigation of a golf course, a sporting field, a municipal park and sugar cane. • details about the quality of water being provided, or to be provided. • control measures in place for each identified use and/or user. For example, signage, irrigation times (if claiming restricted access), irrigation method and any other on-site controls. For more information on control measures, refer to section 6 of the <i>Water quality guidelines for recycled water schemes</i>. • details on the volume of recycled water being supplied for each of the uses. For existing schemes, this figure should reflect volumes per use for the last year. For proposed schemes which have not commenced supply, the information should specify the anticipated supply volumes per use. • details of the total amount of water being supplied under the scheme. For existing schemes this should be the total amount of water supplied within the last year. For proposed schemes, this figure should be the total amount of water which is proposed to be supplied. • information on water supply arrangements—for example, evidence of agreements between the recycled water provider and the user in relation to supply and use of the recycled water¹⁴.
Other information	<ul style="list-style-type: none"> • In some cases, providers might be applying on the basis of their users' compliance with best practice documents or other industry codes (see section 3.3 of these guidelines). Where this is the case, a copy of the code or other document (including the version identifier) should be provided.

Note: If the regulator considers that additional information is required (section 251 of the Act), the regulator may issue a notice to the recycled water provider to supply the additional information. The regulator may require a recycled water provider to verify the information provided by statutory declaration.

¹³ The regulator does not regulate the user directly. Consequently the regulator requires information about the uses of recycled water (and on-site control measures) rather than the details of the users of the recycled water.

¹⁴ For providers who intend to apply for an exemption based on a user's compliance with an industry code or best practice management document, this evidence should include details about what arrangements the provider has in place with the user to ensure that the user does in fact comply with the industry code or best practice management document.

6.3 Is commissioning verification of water quality required for an exemption application?

An application for an exemption should be accompanied by a water quality report. The report demonstrates the recycled water scheme has undergone commissioning verification and that the scheme is able to consistently provide recycled water which meets the required water quality criteria.

The water quality criteria to be met for certain uses and classes of water are provided in the *Public Health Regulation 2005* and the *Water quality guidelines for recycled water schemes*¹⁵.

If the use to which recycled water is being put does not have a predetermined water quality criteria found in the *Public Health Regulation 2005* and/or the *Water quality guidelines for recycled water schemes*, the regulator will set the relevant water quality criteria on a case by case basis at the time of granting the exemption.

Where the recycled water provider's anticipated use is on a case by case basis (that is, there is no predetermined water quality criteria for the recycled water provider upon which to base their commissioning verification) the provider should contact the regulator prior to commencing their commissioning verification to obtain guidance on the water quality criteria which the regulator is likely to apply at the time of approval.

Thirteen weeks of twice-weekly testing should be completed for all schemes. Recycled water providers may choose at their own discretion to go beyond this. The regulator may alter this period on a case by case basis, including when requested by the applicant. For example, an existing scheme with several years of monthly test results may be excluded from the requirement to provide 13 weeks of twice-weekly testing.

If during commissioning verification any of the applicable water quality criteria are exceeded the provider should contact the regulator to discuss what actions, if any, should be taken. Exceedances during commissioning verification should be reported to the regulator as soon as practicable.

A water quality report should contain the following information:

- The parameters tested
- The frequency of testing
- A summary of test results for the commissioning verification (including for those schemes supplying Class A+ recycled water, proof that the log reduction requirements of the *Water quality guidelines for recycled water schemes* have been met)
- A summary of any water quality exceedances (if they occur), the circumstances that led to them occurring and any corrective/preventive actions taken or put in place
- The sampling location(s)
- A statistical analysis of the data collected to determine the confidence level for meeting the water quality criteria on a continuous basis. Note: If statistical validity cannot be gained from the data set, further testing may be required.

¹⁵ A recycled water provider may need to comply with water quality criteria in both the *Public Health Regulation 2005* and the *Water quality guidelines for recycled water schemes*. For example:

- a scheme supplying recycled water for augmenting drinking water supplies or for dual reticulation purposes will need to meet water quality criteria in both documents; and
- a scheme supplying a class of recycled water (for example, class A+, A, B, C and D) sourced from sewage or treated sewage from a service provider's infrastructure will generally need to meet water quality criteria in both documents.

Note: If a recycled water provider has not obtained an exemption within the transitional period, a recycled water provider may still produce the recycled water provided that water is not supplied.

For example, to generate the water quality report necessary to accompany an application for an exemption, a recycled water provider may produce the recycled water, perform the necessary tests and may discharge any recycled water back into waterways, subject to the recycled water provider obtaining necessary discharge licences issued by the Environmental Protection Agency.

7. How does the regulator decide an exemption application?

Section 253 of the Act specifies that when considering an application for an exemption, the regulator must have regard to:

- the application; and
- any additional information received from the provider as a result of a request from the regulator; and
- these guidelines; and
- any advice obtained by the regulator from an advisory council or any other entity the regulator considers appropriate before deciding the application, for example, any advice the regulator has sought from water quality experts such as microbiologists about the application which the regulator considers appropriate; and
- the water quality criteria for recycled water.

7.1 What decisions can the regulator make?

The regulator may decide to either:

- grant the exemption without regulator conditions; or
- grant the exemption with regulator conditions; or
- refuse to grant the exemption.

Information on appeals against the regulator's decision is contained in the information notice sent to the recycled water provider by the regulator¹⁶.

7.2 What conditions may be placed on an exemption?

The Act provides for different conditions to apply to exemptions. These are:

- a statutory condition which is specifically stated in the legislation and which applies to all exemptions. These conditions apply regardless of whether or not they are placed on the exemption.
- regulator conditions which are scheme specific and placed on the exemption by the regulator.

Note: Exemptions are only valid if the recycled water provider complies with the conditions of the exemption.

7.2.1 Statutory conditions applied to all exemptions

The statutory condition¹⁷ requires that if the recycled water provider becomes aware that an entity to whom the recycled water provider supplies recycled water is using the water, either in a way that the exemption does not provide for or for a purpose the exemption does not provide for, the recycled water provider must stop supply of the water to the entity.

¹⁶ Appeal rights do not apply where the regulator grants the exemption without regulator conditions.

¹⁷ Refer to section 256(1) of the Act.

For example, if a recycled water provider is granted an exemption for supplying recycled water for irrigation of sugar cane only and the provider becomes aware that a user is using recycled water for irrigation of lettuce (instead of, or in addition to, sugar cane), then the recycled water provider must cease supply of the recycled water to that user.

7.2.2 Regulator conditions applied to exemptions

There are three types of conditions the regulator may apply, which are outlined in ‘Table 3 Types of regulator conditions’.

Table 3 Types of regulator conditions

Type	Application	Examples (not an exhaustive list – these conditions may vary)
General regulator conditions	These are likely to apply to all exemptions	<p>Conditions applied where the recycled water provider is supplying a specific class of recycled water or for a specific use as stated in the <i>Public Health Regulation 2005</i> and/or the <i>Water quality guidelines for recycled water schemes</i>:</p> <ul style="list-style-type: none"> a) The recycled water provider must comply with the water quality criteria for class A+ recycled water as stated in section 18AE and schedule 3C of the <i>Public Health Regulation 2005</i>. b) The recycled water provider must comply with any water quality criteria stated in the <i>Water quality guidelines for recycled water schemes</i> which are relevant to the uses or sources of the scheme. c) The recycled water provider must, unless the provider has a reasonable excuse, immediately give the regulator details of any non-compliance of the water quality criteria listed in (a) or (b) above, and the circumstances that gave rise to the non-compliance. d) The recycled water provider must include a summary of any of the matters listed in (c) above, in the recycled water provider’s annual report under section 271 of the Act. e) The recycled water provider must ensure that X,Y & Z are in place and adequately maintained (where X,Y & Z are specific control measures). f) The recycled water provider must, where practicable, use a NATA accredited laboratory to perform all analysis for sampling for compliance with (a) and (b) above. g) Where a NATA accredited laboratory is not used for an analysis to be provided to the regulator, the recycled water provider should supply documentation of the methodology including the quality assurance/quality control (QA/QC) procedures used to perform this analysis. <p>Conditions applied where the recycled water provider is supplying a water quality which is not stated in the</p>

Type	Application	Examples (not an exhaustive list – these conditions may vary)
		<p>Public Health Regulation 2005 and/ or the Water quality guidelines for recycled water schemes but is set by the regulator in the information notice:</p> <p>a) The recycled water provider must monitor recycled water produced and supplied by its scheme, for compliance with water quality criteria. The monitoring must be conducted in accordance with the following table:</p> <p>Note: the table is likely to include: parameters; criteria to be met for each parameter; sampling frequency for each parameter; sampling locations.</p> <p>b) The recycled water provider must ensure that X,Y & Z are in place and adequately maintained (where X,Y & Z are specific control measures)</p> <p>c) The recycled water provider must, unless the provider has a reasonable excuse, immediately give the regulator details of any non-compliance of the water quality criteria listed in (a) above, and the circumstances that gave rise to the non-compliance with any.</p> <p>d) The recycled water provider must include a summary of any of the matters listed in (c) above, in the recycled water provider’s annual report under section 271 of the Act.</p> <p>e) The recycled water provider must, where practicable, use a NATA accredited laboratory to perform all analysis for sampling for compliance with (a) above.</p> <p>f) Where a NATA accredited laboratory is not used for an analysis to be provided to the regulator, the recycled water provider should supply documentation of the methodology including the QA/QC procedures used to perform this analysis.</p>
Specific regulator conditions	These generally apply to different types of schemes	<p>Specific conditions applied where the recycled water provider and/or users are operating under an accepted industry code or best practice management document</p> <ul style="list-style-type: none"> • If the recycled water provider becomes aware that any new/revised edition of the industry code or best practice management document has been made available, the provider must notify the regulator and provide a copy of the new document with a new statement of how the provider intends to meet the obligations of the revised code. • If the recycled water provider becomes aware that use of the recycled water is taking place in a manner that is not in accordance with the accepted industry code or best practice management document, the provider must stop supply to that user immediately.

Type	Application	Examples (not an exhaustive list – these conditions may vary)
		<p>Specific conditions applied to exemptions for irrigation of public open spaces</p> <ul style="list-style-type: none"> • The recycled water provider must stop supply to a user of the recycled water if the user does not have signage, compliant with AS/NZS 1319, in at least two places at the boundaries of the designated irrigation area, which is clearly visible to all persons accessing the site. • The recycled water provider must stop supply to a user of recycled water if the provider becomes aware that the user of the recycled water has not controlled the droplet size, throw and plume height of the irrigation system to minimise the risk of aerosol dispersion and wind drift of recycled water beyond the targeted irrigation area. <p>Specific conditions applied to exemptions for the irrigation of non–food crops/heavily processed food crops</p> <ul style="list-style-type: none"> • The recycled water provider must stop supply to a user of recycled water if the provider becomes aware that the user has insufficient on-site controls, for example, sub-surface or drip irrigation in place to ensure no cross-contamination to other crop types. • The recycled water provider must stop supply to a user of recycled water if the provider becomes aware that the user of the recycled water has not controlled the droplet size, throw and plume height of the irrigation system to minimise the risk of aerosol dispersion and wind drift of recycled water beyond the targeted irrigation area. • The recycled water provider must stop supply to a user of recycled water if the user does not have signage, compliant with AS/NZS 1319, in at least two places at the boundaries of the designated irrigation area, which is clearly visible to all persons accessing the site.
Other regulator conditions	These are determined on a case by case basis.	

7.3 How long does an exemption last?

Where an exemption has been granted, it only applies for the period of time nominated by the regulator. The period of time cannot exceed five years (section 255 of the Act).

An exemption only applies if the recycled water provider complies with the conditions of the exemption (section 256(4) of the Act).

The time period for which the exemption remains in force will be stated on the information notice or the decision notice provided by the regulator, which outlines the decision to approve the exemption.

8. Glossary

Term	Meaning
AGWR	The <i>Australian Guidelines for Water Recycling: Managing Health and Environmental Risks: Phase 1</i> (2006) or the <i>Australian Guidelines for Water Recycling Phase 2: Augmentation of Drinking Water Supplies</i> .
Approved recycled water management plan	A recycled water management plan approved by the regulator and not suspended or cancelled, under chapter 3 of the <i>Water Supply (Safety and Reliability) Act 2008</i> .
AS/NZS	Australian Standards/New Zealand Standards.
<i>Audit and annual reporting guidelines</i>	The guidelines issued by the regulator under section 571(1) (l) and (m) of the <i>Water Supply (Safety and Reliability) Act 2008</i> .
Commissioning verification	A type of validation, but is distinct from other validation methods, because it is done by testing the end product water. This is performed to prove that the expected water quality is being consistently produced.
Conditions	of an exemption, means— (i) any regulator conditions for the exemption; or (ii) the condition mentioned in section 256 of the <i>Water Supply (Safety and Reliability) Act 2008</i> .
Control measure (preventive measure)	Any action or activity that can be used to prevent, eliminate or reduce a hazard to an acceptable level.
Critical recycled water scheme	A recycled water scheme declared to be a critical recycled water scheme under chapter 3 of the <i>Water Supply (Safety and Reliability) Act 2008</i> .
Dual reticulation	As defined in the <i>Public Health Regulation 2005, s18AB</i> . Note this definition contains the term ‘domestic use’. It is the department’s policy that the interpretation of the words ‘domestic use’ as it applies to recycled water only includes non drinking and non bathing water purposes such as toilet flushing, cold water laundry tap and external use for wash down and irrigation of lawns and gardens. For clarity this interpretation means that each of these domestic uses of recycled water, even if they are applied in a commercial premises, would be captured as dual reticulation. For example, toilet flushing (which is a domestic use) in a commercial premises. The department does not consider ‘domestic use’ of recycled water to include those uses that require drinking water quality such as cooking or bathing.
Exceedance	Water quality that goes outside identified limits. These limits may include alert levels, critical limits or water quality criteria.
Exemption	Means an exemption granted under Chapter 3, Part 5 <i>Water Supply (Safety and Reliability) Act 2008</i> .
Greywater	Wastewater from a bath, basin, laundry or shower, whether or not the wastewater is contaminated with human waste.
Heavily processed food crops	Includes but is not limited to those crops that are heavily processed before consumption, for example, sugar cane, cocoa, cereal crops such as wheat, rice and corn grown for flour production and crops grown for oil production such as sunflower, canola and flax seed.

Term	Meaning
Industry code or best practice management document	A published standard, by a body the regulator considers being a recognised industry body.
Minimally processed food crops	As defined in the <i>Public Health Regulation 2005</i> , includes carrot, onion, pumpkin, rockmelon, broccoli, cabbage, tomato, avocado, banana, mango, apple, olive, peach, herbs and lettuce.
Multiple-entity recycled water scheme	<p>A scheme involving the production and supply of recycled water by more than one recycled water provider, or at least one recycled water provider and another entity, and includes:</p> <ul style="list-style-type: none"> • each recycled water provider and other entity declared to be part of the scheme under a declaration for the scheme made under chapter 3, part 8 of the <i>Water Supply (Safety and Reliability) Act 2008</i>; and • the infrastructure for the production and supply of the water stated to be part of the scheme under the declaration.
NATA	National Association of Testing Authorities
Non-critical scheme	A scheme which has not been declared by the regulator as critical under section 304 of the <i>Water Supply (Safety and Reliability) Act 2008</i> .
NRW	The Department of Natural Resources and Water.
Public open spaces	Any open space, such as parks, sporting fields, botanical gardens, racecourses, school ovals, municipal parks and gardens, golf courses, footpaths, car parks, road verges, where either members of the public, staff or employees may be exposed to recycled water. It does not include gardens in domestic residences nor agricultural farmland.
Recycled water	<p>Any of the following that are intended to be reused:</p> <ul style="list-style-type: none"> • sewage or effluent sourced from a service provider’s sewerage • greywater sourced from a large greywater treatment plant within the meaning of the <i>Plumbing and Drainage Act 2002</i> • wastewater, other than water mentioned in the previous two dot points
Recycled Water Management Plan (or RWMP)	<p>For a single-entity recycled water scheme—a plan about the production and supply of recycled water under the scheme by the recycled water provider for the scheme.</p> <p>For a multiple-entity recycled water scheme—a plan about the production and supply of recycled water under the scheme consisting of a scheme manager plan and a scheme provider plan for each declared entity in the scheme.</p>
<i>Recycled water management plan and validation guidelines</i>	The guidelines issued by the regulator under section 571(1)(i) & (j) of the <i>Water Supply (Safety and Reliability) Act 2008</i> .
<i>Recycled water management plan exemption guidelines</i>	The guidelines issued by the regulator under section 571(1)(k) of the <i>Water Supply (Safety and Reliability) Act 2008</i> .
Recycled water provider	<p>An entity that:</p> <ul style="list-style-type: none"> • owns infrastructure for the production and supply of recycled water; or • another entity, prescribed under a regulation, that owns

Term	Meaning
	infrastructure for the supply of recycled water.
Recycled water scheme	A single-entity or a multiple-entity recycled water scheme.
Regulator	The chief executive of the Department of Natural Resources and Water (NRW).
Regulator conditions	For an exemption—see section 253(1) of the <i>Water Supply (Safety and Reliability) Act 2008</i> .
Reused	Includes being treated to improve the water’s quality, but does not include merely being discharged into, or disposed of in, the environment.
Risk	The likelihood that identified hazards will cause harm in exposed populations including the magnitude of that harm (Risk = likelihood x impact).
Scheme manager	<p>The scheme manager for a multiple-entity recycled water scheme is the entity:</p> <p>(a) the recycled water providers and other entities declared to be part of the scheme agree is the scheme manager for the scheme</p> <p>(b) either—</p> <p>(i) stated in the declaration under chapter 3, part 8 of the <i>Water Supply (Safety and Reliability) Act 2008</i> for the scheme to be the scheme manager; or</p> <p>(ii) stated in the notice given under section 307(2) of the <i>Water Supply (Safety and Reliability) Act 2008</i>.</p>
Service provider	<ul style="list-style-type: none"> • A local government that owns infrastructure for supplying water or sewerage services • A water authority that owns infrastructure for supplying water or sewerage services • Each person who is: <ul style="list-style-type: none"> – the owner of one or more elements of infrastructure for supplying water or sewerage services for which a charge is intended to be made; or – a person nominated in a regulation as a related entity of a person who is the owner of one or more elements of infrastructure for supplying water or sewerage services for which a charge is intended to be made. • A service provider does not include a service supplied by infrastructure, if: <ul style="list-style-type: none"> – the infrastructure is used solely for mining purposes – the service is used only by: <ul style="list-style-type: none"> ○ the owner of the infrastructure or the owner’s guests or employees, including, for example, guests at a resort; or ○ the owner of the infrastructure who is a body corporate for a community titles scheme under the <i>Body Corporate and Community Management Act 1997</i>—the occupants of lots in the scheme.
Sewage	Household and commercial wastewater that contains, or may contain, faecal, urinary or other human waste.
Sewerage	A sewer, access chamber, vent, engine, pump, structure, machinery, outfall or other work used to receive, store, transport or treat sewage.

Term	Meaning
Single-entity recycled water scheme	A scheme involving the production and supply of recycled water by only one recycled water provider, and includes, if the provider owns infrastructure for the supply, or the production and supply, of the water—the infrastructure.
Source water	Any water destined for further use. This includes but is not limited to sewage (for treatment at a wastewater treatment plant) and treated sewage (for further treatment at an advanced wastewater treatment plant).
Statutory condition	Any conditions imposed under section 208 of the <i>Water Supply (Safety and Reliability) Act 2008</i> for a recycled water management plan or section 256 of that Act for an exemption.
Supply	In relation to recycled water, means— (a) for greywater, sewage or effluent that is recycled water — (i) reuse of the recycled water by the entity that produces it (ii) supply of the recycled water, by the entity that produces it, to another entity for reuse; or (b) for other recycled water—supply of the recycled water, by the entity that produces it (the producer), to another entity for reuse, other than another entity prescribed under a regulation as a related entity of the producer.
Transitional period	The transitional periods stipulated under chapter 9, part 5 of the <i>Water Supply (Safety and Reliability) Act 2008</i> , by which the recycled water provider must comply with the Act, and either have an approved RWMP or an exemption granted by the regulator or cease supply.
Water quality criteria	(i) the standards for the quality of recycled water, relating to the sources and uses of the water, prescribed in a regulation under the <i>Public Health Act 2005</i> (ii) the criteria for the quality of recycled water, relating to the sources and uses of the water— (A) stated in a guideline, if any, made by the regulator about the quality of recycled water; or (B) in relation to the quality of recycled water to which a recycled water management plan or an exemption relates—stated in a regulator condition for the plan or exemption.
<i>Water quality guidelines for recycled water schemes</i>	The guidelines prescribed by the regulator under section 571(1)(h) of the <i>Water Supply (Safety and Reliability) Act 2008</i> .
Wastewater	Wastewater as defined in the <i>Water Supply (Safety and Reliability) Act 2008</i> act as the spent or used water generated on premises from industrial, commercial or manufacturing activities, or animal husbandry activities prescribed under a regulation, other than spent or used water generated from an agricultural activity or a mining activity or petroleum activity.

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