

Industry Feedback

qldwater consolidated feedback



Feedback on Common Model Conditions Guideline

February 2022

The Queensland Water Directorate (*qldwater*) is the central advisory and advocacy body within Queensland's urban water sector representing the majority of the State's public Service Providers, from small local governments to major utilities including Urban Utilities and Unitywater. *qldwater* works with its members to provide safe, secure and sustainable water and sewerage services to Queensland's cities and towns.

On 22nd December 2021, DES released a draft guidance document on common model conditions that may be applied to environmental authorities (EAs) if a site-specific or amendment application is made.

Model Conditions are intended to provide guidance on the administering authority's expectations for managing risks to the environment from certain activities and help to ensure consistency across the state. Model conditions are not mandatory. Where a model condition is not relevant to the operation, it would not be placed on an EA. Additional, site-specific conditions may be applied to address risks that are specific to a particular operation or site.

Common model conditions are model conditions that apply to all environmentally relevant activities. DES intends these conditions to be consistent, enforceable, and contemporary and have requested feedback on a proposed guidance document (the subject of this response). A separate process to review specific Model Conditions for sewerage management was released in February 2022 and is dealt with separate to the current sector-wide response process.

qldwater distributed the draft "Common model conditions" guidance document and requested feedback from all members. Common conditions were also discussed at the

February SWEAP (Sewage and Water Environmental Advisory Panel) meeting. The following response is collated from comments provided by members from regional Queensland and SEQ. Individual Service Providers may also respond independently.

General Feedback

The urban water and sewerage sector has worked for many years in partnership with the Department to develop Model STP conditions that drive a practical, risk-based approach to environmental protection for management of these public good essential services.

It is disappointing to see elements of this extensive joint work lost in the development of new Model Conditions. Some examples are listed in the specific comments below, but a general issue is the removal of the 'how to comply and intent' established in the STP Model Conditions. This section added clarity and direction for EA holders and Departmental officers, particularly those new to the EA process for STPs. The water sector requests that this element should be retained in the Common Model Conditions guidance material.

Specific Feedback on common model conditions

Condition reference (e.g., C1.0)	Feedback	Suggestion
<p>Introduction “The common model conditions and associated definitions in this schedule apply to all ERAs”. “In addition to these conditions the administering authority has developed: 1. ERA standards ...”.</p>	<p>There is confusion within the industry about the interoperation of Model Conditions when there is an ERA Standard for the activity.</p>	<p>Clarify explicitly how the common model conditions apply when there is an ERA standard for the activity.</p>
<p>C4.0 Contravention of conditions Any contravention of a condition of this environmental authority must be reported to the administering authority within 24 hours of becoming aware of the contravention</p>	<p>Exceedances at STPs should not be included as a contravention of conditions (e.g. requiring notification within 24 hrs. This is a significant change to current processes and would be impractical.</p>	<p>Exempt STPs or have a specific condition such as “The holder of this environmental authority must notify the administering authority in writing of any monitoring result that indicates an exceedance of or non-compliance with any approval limit within 28 days of completion of analysis or quarterly reporting via WaTERS.</p>
<p>C4.1 Within 20 business days (or a longer period agreed to in writing by the administering authority) of a report made under condition C4.0, an investigation must be undertaken, <u>completed</u> and recorded to determine: a) the potential circumstances and actions that may have contributed to the contravention; and b) reasonable measures that will be implemented to address the cause of the contravention to prevent future contraventions of this nature.</p>	<p>It may take more than 20 business days to understand the root cause of the contravention of condition.</p>	<p>Remove the word "completed"</p>
<p>C4.2 Measures identified under condition C4.1 must be implemented within: a) <u>20 business days</u> of completion of the investigation required by condition C4.1 being finalised; or b) a longer period agreed to in writing by the administering authority.</p>	<p>Measures to rectify contraventions of conditions may take longer than 20 business days (e.g. infrastructure upgrades). Having a default short timeframe encourages "quick fix" solutions and discourages more appropriate long-term remedies and thus drives perverse outcomes.</p>	<p>Do not indicate a specific time frame (i.e. 20 business days)</p>

<p>C5.0 Complaints An investigation must be undertaken, completed and recorded within 20 business days of receiving a complaint (or a longer period agreed to in writing by the administering authority) to determine:</p> <ul style="list-style-type: none"> a) the potential circumstances and actions on site that may have contributed to the basis of the complaint; and b) reasonable measures that will be implemented to address the complaint. 	<p>Complaints received by the water sector can be complex in nature and require detailed investigations lasting more than 20 business days to establish the root cause of the issue (e.g. odour complaints).</p> <p>The criticality of complaints varies in terms of social impact or environmental risk. The proposed condition does not provide the flexibility for the EA holder to complete a practical and risk-based response to a complaint.</p>	<p>Change the word "completed" to "commenced"</p>
<p>C5.1 Measures identified under condition C5.0 must be implemented within:</p> <ul style="list-style-type: none"> a) <u>20 business days</u> of completion of the investigation required by condition C5.0 being finalised; or b) a longer period agreed to in writing by the administering authority. 	<p>Measures to rectify contraventions of conditions may take longer than 20 business days (e.g. infrastructure upgrades). Short time frames encourages "quick fix" solutions and drive perverse outcomes.</p>	<p>Do not indicate a specific time frame (i.e. 20 business days)</p>
<p>C6.0 Environmental risk management procedures Written procedures must be developed and implemented that include:</p> <ul style="list-style-type: none"> a) identification of all potential risks to the environment from the activity, including: <ul style="list-style-type: none"> i) during routine operations; and ii) outside routine operations; and iii) during preparation, rehabilitation and closure; and iv) in an emergency (e.g., fire or natural disaster); and b) measures to be implemented to prevent or minimise the potential for environmental harm for each of the potential risks identified; and c) <u>processes to annually review environmental risks</u>, incidents, complaints and improve performance 	<p>This condition does not align with adoption of risk management principles and instead favours of detailed procedures. Risk management principles should instead be required for the water sector. For example, part c) contradicts the processes for many STPs requiring risk reviews in a reasonable timeframe (e.g. using an EMS). These may shorter or longer than annual timeframes.</p> <p>When organisations have integrated management systems, prescription associated with one system can make it very difficult to achieve integration – introducing a significant risk in itself. Moreover, the Annual Monitoring Report requirement for STPs covers incidents/complaints and often improvements and this common condition encourages additional duplicative processes.</p>	<p>Explicitly exempt STPs from this condition to avoid confusion and acknowledge the risk-management approach required for STP EAs.</p>

<p>C7.0 Plant and equipment All plant and equipment (including monitoring devices) must be installed, operated, calibrated, and maintained:</p> <p>a) by an appropriately qualified person; and b) in a proper and effective manner; and c) <u>in accordance with the manufacturer’s instructions</u>; and d) in accordance with any written procedures developed under condition C6.0 for the plant and equipment</p>	<p>There has been significant engagement between the water and sewerage sector and the Department on this form of condition in the past and this appears to have been overlooked or ignored. For many STPs, plant and equipment maintenance procedures have been adapted/augmented/improved/alterd to better protect the public and customers and manufacturer’s specific instructions may no longer be most appropriate.</p> <p>Further, it has been well established that for many components required in management of sewerage schemes, manufacturer’s instructions can be impractical and unnecessarily expensive. The maintenance regime in the water industry is not based solely on manufacturer’s instructions due to the 24/7 nature of the business, which requires that an adaptive and risk-based approach is adopted.</p>	<p>For STPs require that a risk-based maintenance assessment occurs for equipment taking account of manufacturer’s instructions to develop fit-for-purpose written procedures.</p>
<p>C8.0 Staff training All staff must be trained in, and made aware of, their obligations under this environmental authority (including any procedures required by the environmental authority) and the Environmental Protection Act 1994 at induction and at least annually thereafter.</p>	<p>Annual environmental induction/training for all staff is impractical and contrary to the need to allocate training resources to where it is most needed to ensure environmental protection and compliance with an environmental authority.</p> <p>Specifically, not all staff have duties which are relevant to the obligations under an environmental authority. Annual training would be prohibitively expensive and contrary to risk-based management of sewerage services.</p>	<p>Change to “All <u>relevant</u> staff must be trained ...”.</p> <p>And</p> <p>“at induction and at <u>appropriate intervals</u> thereafter</p>
<p>C9.0 Documentation and record keeping All documentation and records must be:</p> <p>a) kept until surrender of the environmental authority (or longer period as specified in a condition of this environmental authority); and b) provided to the administering authority upon request and within a timeframe specified by the administering authority.</p>	<p>This is not consistent with the record keeping requirements imposed by other standards (i.e. ISO14001/ISO9001 and QLD Archives). For example, Archive’s Environmental Management Standard (attached) requires.</p> <ul style="list-style-type: none"> • 11.7.2 Equipment calibration records - Retain for 15 years after last action. • 11.8.2 Water quality monitoring records - Retain for 15 years after last action. • 11.13.1 Complaints – contaminated land, air and water - Retain for 10 years after last action. • 11.15.2 Environmental reports - Retain for 5 years after last action. 	<p>Replace “kept until surrender of the environmental authority (or longer period as specified in a condition of this environmental authority);” with “must be kept for a minimum of 5 years”</p>

	For STPs, this requirement, in effect, means keeping all records indefinitely (as few EAs for STPs or pumping stations will ever be surrendered). This creates a significant burden to retain all records that relate to EAs, contradicts other State and national requirements, and is incompatible with many modern document management systems (e.g. eDOCS).	
<p>C9.1 All documents (including plans, procedures, and programs) and records required by this environmental authority must be:</p> <p>a) developed and endorsed in writing as being compliant with the conditions of this environmental authority by an appropriately qualified person; and</p> <p>b) implemented in accordance with the requirements stated within the document; and</p> <p>c) in effect at all times during the carrying out of the activity (including preparation, rehabilitation and closure); and</p> <p>d) reviewed and re-endorsed in writing as being in compliance with the conditions of this environmental authority by an appropriately qualified person at least annually.</p>	<p>Annual review of all documents at all sewage treatment plants is impractical and unnecessarily onerous. There are potentially hundreds of documents in relation to complex plant and equipment. Councils and utilities may not possess the internal expertise required to sign off the majority of plans, procedures and programs on an annual basis. Outsourcing this work will place a significant financial burden on the sector and drive increases in consulting rates to undertake the work annually across Queensland's hundreds of STPs and sewage pumping stations.</p> <p>Moreover, many STP document processes follow review systems in line with industry best-practice (e.g. internal Environmental Management System or Quality Management System and/or ISO9001 and ISO14001, with parts of the business conforming to ISO45001). The requirement for annual review will not align with QMS or EMS systems in many cases which requires a review frequency based on risk, changes to procedures etc. Some high level procedures such as an EMS Manual may only be reviewed every 5 years or as needed and review of contracts may be every 2 or 5 years.</p> <p>Finally, the term "Records" is unclear in this condition terminology with this condition. For example, many records (such as, odour complaints, monitoring results, maintenance and calibration logs, SCADA histories) can't be developed and endorsed or in effect at all times.</p>	<p>For management of sewerage related EAs, require that review occurs as per ISO standards, EMS, QMS or other appropriate corporate system, or annually if such a system is not in place.</p> <p>Remove the term records or use more appropriate terminology.</p>
<p>Definitions "Measures"</p>	<p>This definition takes too broad a view which would have serious implications that are not achievable within the water industry.</p>	<p>Remove this definition so that this word retains its ordinary meaning.</p>