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Guidance for owners & occupiers of land with an OWMS ≤ 5000 litres on any day (including septic tank systems)

EPA VICTORIA

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Community information

The general environmental duty (GED)

The *Environment Protection Act 2017* (**EP Act**) creates a GED that applies to all Victorians from 1 July 2021. The GED requires anyone conducting an activity that poses risks to human health and the environment from pollution and waste, to minimise those risks.

If you own or use an onsite wastewater management system (**OWMS**), including septic tank systems and secondary treatment systems, the GED applies to you. It also applies to how you construct, install, alter, operate and maintain the system, deal with faults or system failures and manage your waste.

Management of OWMS

The *Environment Protection Regulations 2021* provide more specific requirements for the management of OWMS with flow rates not exceeding 5000 litres on any day, including older legacy systems. If you intend to construct, install or alter one, you must obtain a permit from your council.

Alteration of an OWMS may include

- a change to the design of the system
- a change to the operation of the system, or to the premises where it is located. For example, from a residential premises to a commercial premises, which may increase the flow rate of sewage.

An alteration does not include maintenance of the system.

If you are an owner or occupier of land where an OWMS is located, you must take reasonable steps to:

- operate the system so it doesn't pose a risk to human health or the environment[1]
- maintain (except for residential renters) the system in good working order, including older legacy systems that may not meet current standards[2]
- check for signs the system may be failing or isn't in good working order and notify council if it is[3]
- respond to any system failures.

Keeping maintenance service records and providing information on operation

The Regulations require a landowner to also:

- provide information to occupiers on how to correctly operate and maintain the system
- keep maintenance service records and provide them to council on request.

Managing your waste

If disposed of illegally or improperly, such as releasing it into creeks or forests, the waste from OWMS can cause major environmental consequences. If you are a landowner or occupier, you must make sure waste from your septic tank system is appropriately managed and does not overflow. When septic tanks are pumped out, you also need to take all reasonable steps to ensure the person removing the waste will take it to an appropriate facility.

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[1] For example, ensuring the system is not overloaded to an extent that causes a blockage, runoff, spillage or leak.

[2] For example, regular desludging to remove the contents of the system; ensuring the integrity of pipes, tanks and storage systems; repairing and, when required, replacing all the components and fittings of the system; maintaining the biological and chemical processes integral to the proper functioning of the system; maintaining the integrity of the land used in connection with the system to ensure access to the system is not impeded; complying with the system manufacturer's specifications and recommendations (if provided); complying with any relevant council requirements; monitoring the system for signs of failure.

[3] The duty to notify council of signs of failure or that the system is not in good working order applies from 1 July 2022.

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VICTORIA State Government

Dealing with incidents

It is essential to be vigilant about potential failures, especially with older legacy systems. This means paying attention to key warning signs and taking steps to address the issue, even if this might be contained to your property.

Warning signs of failure may include:

- the absorption field becoming wet with wastewater pooling on the surface
- wastewater runoff from the disposal area
- a smell of effluent near or from the system
- drains or toilets running slowly
- the grease trap being full or blocked.

The Regulations require landowners and occupiers to tell their council if their OWMS shows any signs of failure. They will need to explain what they have done, or are doing, to fix the problem. If others detect and report issues to councils – such as offensive smells – and the owner or occupier has not reported it, a penalty may apply to the owner or occupier.

Why this is important

OWMS are a major source of environmental risk. Poorly installed or maintained systems, particularly old legacy systems can create serious hazards, including polluted drinking water, contaminated land and water bodies, and offensive odours.

Some tips to keep your on-site wastewater management systems working well

• To reduce sludge building up in the tank:
  ○ scrape all dishes to remove fats, grease and food scraps before washing
  ○ keep all possible solids out of the system
  ○ don't use a food waste disposal unit unless the system is specifically designed to carry the extra load
  ○ don't put sanitary napkins and other hygiene products into the system.
• To keep the bacteria working in the tank working well:
  ○ use biodegradable soaps and low-phosphorus detergent
  ○ use low-sodium detergent
  ○ use detergents in the recommended quantities
  ○ don't use powerful bleaches, whiteners, nappy soakers, spot removers and disinfectants
  ○ don't put chemicals or paint down the drain.
• Reduce wastewater by:
  ○ installing water conservation fittings
  ○ taking showers instead of baths
  ○ washing clothes only when there is a full load.
• Avoid overloading the system by spacing out water use as evenly as possible. For example:
  ○ don't do all the washing on one day, and
  ○ don't run the washing machine and dishwasher at the same time.

Offences and penalties for breaches of the EP Act and Regulations

If you don't comply with your duties and obligations under the EP Act or Regulations as a landowner or occupier, you may receive a penalty.

Further information

Contact EPA on 1300 372 842 (1300 EPA VIC) or epa.vic.gov.au

Disclaimer

This does not constitute legal or other professional advice and should not be relied on as a statement of the law. As it is intended only as a general guide, it may contain generalisations you should obtain professional advice for your specific circumstances.

Interpreter

For languages other than English, please call **131 450**.
Visit **epa.vic.gov.au/language-help** for next steps.
If you need assistance because of a hearing or speech impairment, please visit **relayservice.gov.au**