

Approvals and Determinations – for an alternative decontamination procedure, alternative maintenance program or a drift eliminator exemption.

Pursuant to regulation 21 of the Public and Environmental Health (Legionella) Regulations 2008 (the Legionella Regulations) applications may be made to the Minister for Health and Ageing (the Minister) for the use of alternative (to the prescribed) maintenance programs and decontamination procedures in relation to a particular high risk manufactured water system (HRMWS). Applications can also be made for an exemption to regulation 8, which requires compliant drift eliminators to be fitted to all cooling towers.

This fact sheet has been developed to assist with the process of applying for an alternative program or procedure approval, or drift eliminator exemption. It explains the minimum information required in an application and should be read in conjunction with the Legionella Regulations and SA Health's *Guidelines for the Control of Legionella in Manufactured Water Systems in South Australia* (the Guidelines).

Types of approvals and determinations

There are four types of approval or determination which can be granted under the Legionella Regulations.

1. Alternative decontamination procedure for a warm water system.
2. Alternative decontamination procedure for a cooling water system.
3. Alternative maintenance program for a cooling water system.
4. Exemption from the requirement that all cooling towers be fitted with drift eliminators.

There is no process available to allow for an exemption or deviation from any other mandatory requirements of the Legionella Regulations. A determination or approval may be subject to such conditions as the Minister thinks fit. It is an offence to contravene or fail to comply with a condition of an approval or determination, and if a condition is contravened or not complied with the approval or determination may be revoked.

Who should complete and submit an application for an approval or determination?

The system owner must submit the application. However, in the majority of cases, the person responsible for the operation and maintenance of the system will be nominated as the contact person. Due to the complex technical and scientific information which may be required for a successful application, a suitably qualified and experienced consultant may need to be engaged to assist with the research, evaluation and writing of the proposal.

The prescribed requirements of the Legionella Regulations must be complied with while an approval or determination application is being processed.



What information is required in an approval application?

The proforma application forms available for download from the SA Health website detail information which must be provided for each particular application. It is recommended that as much detail as possible be included in the application. All parts of the form must be completed in full for the application to be considered. Additional pages and appendices can be attached to the application if necessary. It is particularly important to provide supporting evidence to back up the rationale for an application. **The applicant must demonstrate that:**

- > A proposed alternative decontamination procedure will effectively kill *Legionella* in the system or a proposed alternative maintenance program will inhibit *Legionella* colonisation equally as well as a prescribed decontamination procedure or maintenance program (whichever is applicable).
- > A robust *Legionella* testing program will be implemented to verify the efficacy of the proposed alternative decontamination procedure or maintenance program if approved/implemented.
- > There is no increased risk to public or occupational health associated with a proposed alternative method or drift eliminator exemption.
- > The system in question is being operated and maintained in full compliance with the Legionella Regulations.
- > The system in question has been assessed for risks associated with poor flow and stagnation and modifications have been made and/or risk management protocols have been implemented to address any identified risks.

To assist the approval application assessment process, the applicant must provide a detailed 'step by step' guide of the proposed methodology. **The methodology should include the following information:**

- > Effective CT (concentration vs time) values for any proposed biocides (based on concentrations of active ingredients) to be used in an alternative decontamination procedure (supported by reputable scientific sources).
- > Calculations of the necessary biocide volume dosage based on the total capacity of the system or explanations of how the correct free residual will otherwise be attained, monitored and maintained.
- > The frequency of proposed maintenance operations and/or conditions for decontamination.
- > All locations from which water will be sampled and flushed.
- > The frequency of sampling/testing to be used to indicate the presence of *Legionella* and/or other micro-organisms in the system, including post decontamination sampling.
- > Details of target values for any water chemistry parameters relevant to proposed alternative decontamination procedures or maintenance programs and how they will be monitored and maintained.
- > Reputable and robust scientific evidence supporting the efficacy of the proposed methodology. This evidence should be in the form of credible sources such as peer reviewed journal articles and Australian Standards (these documents must be submitted with the application form).
- > Any other relevant information

Please refer to schedule 3, part 1 of the Guidelines for an example of the minimum detail required to be included in a proposed alternative decontamination procedure.



What information is required in a determination application?

The application process for a determination is very similar to that of an approval. A determination is for an exemption to regulation 8, which requires compliant drift eliminators to be fitted to all cooling towers. As an exemption to this regulation will result in a cooling tower being operated without compliant drift eliminators fitted, the potential public health and occupational health and safety risks must be considered. For an application of this type to be successful it must demonstrate that any resulting risk to public or occupational health and safety will be negligible or nonexistent.

It is recommended that applicants provide specific details of any additional risk management strategies proposed to be employed to minimise the risks associated with not having compliant drift eliminators fitted. Applications should also include an assessment of the risks (if any) that would be posed to public or occupational health by the operation of the cooling tower in question without compliant drift eliminators.

What is the timeframe for processing an approval or determination?

SA Health will respond to your application as quickly as possible; however, a response should not be expected immediately. The time taken for an application to be processed will depend on the complexity of the application and the workload of officers at the time. It is recommended that applicants apply for an approval or determination a full six months in advance of when they expect to require the approval or determination.

What fees are associated with an approval or determination application?

A fee must be paid when submitting an application; regardless of whether or not it is ultimately successful. The most up to date schedule of fees is published on SA Health's *Legionella* website:

<http://www.health.sa.gov.au/pehs/legionella-regulations-guidelines.htm>

Where can I get application forms?

Application forms can be downloaded from SA Health's *Legionella* website:

<http://www.health.sa.gov.au/pehs/legionella-regulations-guidelines.htm>

For more information

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