

L.N. 139 OF 2002

**MALTA RESOURCES AUTHORITY ACT, 2000
(Act No. XXV OF 2000)**

Sewer Discharge Control Regulations, 2002

IN exercise of the powers conferred by Articles 4 and 28 of the Malta Resources Authority Act and following consultation with the Malta Resources Authority, the Minister for Resources and Infrastructure, with the concurrence of the Minister of Finance, has made the following regulations:-

1. (1) The title of these regulations is the Sewer Discharge Control Regulations, 2002. Citation and commencement.

2. In these regulations, unless the context otherwise requires:- Interpretation.

"best available technology" means those measures which are generally and authoritatively practised and accepted as complying with established standards of performance;

"Chief Executive" means the Chief Executive of the Malta Resources Authority and includes any officer of the Authority who is authorised by him to act on his behalf;

"domestic sewage" means the contents of lavatories and water which has been used for cooking or washing and other waste water ordinarily removed from domestic premises, and the contents of lavatories and other water used for personal hygiene and similar purposes removed from any trade premises, laundry or office, or originating from the wholesale or retail of goods which have not undergone any processing;

"effluent" means any domestic sewage, prohibited effluent or trade effluent which is intended for discharge into the public sewerage system;

"permit" means the Public Sewer Discharge Permit mentioned in regulations 4 and 8 of these regulations;

"person" includes any body of persons or any body corporate established by law;

"prohibited effluent" means any effluent which is not domestic sewage or trade effluent as described in regulation 3 hereof;

"stormwater run-off" shall include rainwater which is not absorbed by the ground or which does not evaporate and which is not collected in cisterns;

"trade effluent" means any liquid (either with or without particles of matter in suspension or dissolved in it), other than stormwater run-off and domestic sewage, which is discharged from trade premises, and as described in regulation 4 hereof;

"trade premises" means any land or building, used partly or in whole for the purposes of undertaking any commercial, or industrial activity, and any premises wholly or mainly used (whether for profit or not) for agriculture, or animal husbandry, or horticultural purposes or for scientific research or experiment.

3. (1) No person shall discharge any prohibited effluent from any trade premises into the public sewerage system. Prohibited effluent.

(2) Prohibited effluents are those discharges which contain any of the group of substances listed in Schedule A to these regulations in concentrations significantly higher than those existing upstream of the discharge point in the receiving sewer.

4. No person shall discharge any trade effluent from any trade premises into the public sewerage system unless he holds a Public Sewer Discharge Permit issued to him by the Chief Executive. Public Sewer Discharge Permit.

5. No person shall discharge from any premises into the public sewer any effluent containing any material which alone, or in combination with the contents of the sewer, is likely - Effluent discharge.

(a) to damage the sewerage system, including pipework, sumps and equipment, or block, cause overflows or in any other way interfere with the free flow of the contents of the sewer. Such material includes excessive amounts of the following:

- scum forming substances, including straw, fats, hair and feathers;
- gross solids, including animal dung, bones and vegetable material;
- acids;

(b) to constitute a health hazard to sewer maintenance personnel by the emission of flammable, explosive, toxic, irritating or asphyxiating gases or vapours. Such material includes excessive amounts of the following:

- volatile organic compounds, including solvents;
- substances rich in sulphur and sulphur-containing compounds which tend to evolve hydrogen sulphide under sewer conditions;

(c) to interfere with treatment and recovery of liquid and solid waste. Such material includes excessive amounts of the following:

- substances which create a high oxygen demand, including biodegradable organic compounds, total Kjeldahl nitrogen;
- non-biodegradable organic matter;
- surfactants, salts, biocides;
- nitrification inhibitors;
- heavy metals;
- boron and other substances which render the material recovered from waste unfit for re-use;

(d) to bring about adverse aesthetic or other objectionable effects on the marine ecosystem upon discharge into the marine environment. Such material includes excessive amounts of the following:

- floating materials;
- settleable solids which smother benthic marine life;
- substances which are toxic to marine life.

6. (1) The discharge of any substance, including such substance as is listed in Schedule B to these regulations, shall be restricted according to the provisions of regulation 5 above. Maximum discharge concentration values.

(2) Guideline maximum discharge concentration values for selected substances are shown in schedule C to these regulations.

7. (1) Whenever any person intends starting operations in trade premises whereby the discharge of trade-effluents into the public sewerage system is envisaged, he shall apply to the Chief Executive for the issuing of a permit. Permit requirement.

(2) Whosoever, at the time of the coming into force of these regulations, is already discharging trade effluents from trade premises into the public sewerage system shall apply to the Chief Executive for the issuing of a permit.

(3) Any person so applying in terms of paragraphs (1) and (2) of this regulation, shall be deemed in conformity with these regulations until the Chief Executive either issues or refuses to issue the permit as the case may be.

(4) Any person who, having been granted a permit, intends to perform a change in activities in his trade premises, which change may result in a modification in the nature, flow or composition of the effluent to be discharged, shall apply to the Chief Executive for the modification of the permit conditions prior to the expiry date indicated on the same permit.

(5) There shall be paid to the Chief Executive a fee of Lm5 for a first application, and for any subsequent application which is not a renewal, for the issue of a Public Sewer Discharge Permit.

8. (1) An application for the issue of a Public Sewer Discharge Permit shall be submitted to the Chief Executive on the prescribed form shown in Schedule D to these regulations. Issuing of permit.

(2) The Chief Executive may demand additional information from the applicant which, together with the information originally submitted in the prescribed form, shall be considered as confidential.

(3) The permit shall be issued in writing by the Chief Executive to such person who applied for it and the permit shall be valid for a period of one year to be specifically indicated on the said permit.

9. (1) The Chief Executive may issue the permit subject to Permit conditions. any conditions he may deem fit to impose.

(2) The Chief Executive may also impose conditions for the discharge of effluent containing objectionable substances other than those specified under regulations 4, 5 and 6 of these regulations.

(3) The permit may include any of the following conditions:-

- (a) convenient point for inspecting and sampling the effluent before discharge into the receiving sewer;
- (b) an indicated point on the sewer line at which the effluent may be discharged;
- (c) the recording of discharge parameters as specified, which records shall be made available to the Chief Executive as he may from time to time require;
- (d) specific discharge regimes;
- (e) maximum component discharge concentrations which shall not be reached by dilution of the effluent by tap water, groundwater, stormwater or sewage;
- (f) maximum amount of components discharged, which amount shall not be exceeded over a stipulated period of time;
- (g) a pollution fee to be received by the Chief Executive for the reception, treatment and disposal of the effluent;

- (h) a time-schedule to achieve compliance with the regulations.

(4) In imposing such conditions the Chief Executive shall consider all relevant circumstances, such as the volume and the flow pattern of the discharge, the size and the flow in the receiving sewer and the presence of treatment facilities downstream of the discharge point, as well as the best available technology.

10. (1) Every person who discharges any effluent into the public sewerage system shall give to the Chief Executive all reasonable facilities and all such information as may be reasonably required by him for the purpose of ascertaining whether the provisions of these regulations are being complied with.

Powers of the
Chief Executive

(2) For the purpose of carrying into effect any of these regulations the Chief Executive may exercise the powers set out below -

- (a) enter at any reasonable time any premises which he has reason to believe it is necessary for him to enter or enter such premises at any time when in his opinion a situation so warrants;
- (b) take with him a police officer if he has reasonable cause to anticipate any serious obstruction in the execution of his duty;
- (c) take with him any equipment or materials required for any purpose for which the power of entry is being exercised;
- (d) make such examination and investigation as may in any circumstances be necessary for that purpose;
- (e) direct that any premises which he has power to enter or any part of them or anything therein, shall be left undisturbed for so long as is reasonably necessary for the purpose of any examination or investigation under sub-paragraph (d) above;
- (f) take such measurements and photographs and make such recordings as he considers necessary for the purpose of any examination or investigation under sub-paragraph (d) above;

- (g) take samples of any article or substance found in any premises which he has power to enter, and in the atmosphere in or in the vicinity of any such premises, and take possession of any such article or substance for so long as is necessary for all or any of the following purposes –
 - (i) to examine them and do to them anything which he has power to do under sub-paragraph (d) above;
 - (ii) to ensure that they are not tampered with before his examination thereof is completed;
 - (iii) to ensure that they are available for use as evidence in any proceedings for an offence under any of the relevant legislative provisions;
- (h) require any person whom he has reasonable cause to believe to be able to give any information relevant to any examination or investigation under sub-paragraph (d) above, to answer (in the absence of persons other than a person nominated by him and any persons whom the Chief Executive may allow to be present) such questions as the Chief Executive thinks fit to ask and to sign a declaration of the truth of his answers;
 - (i) require the production of, inspect and take copies of any entry in –
 - (i) any books or documents which by virtue of any provisions of these regulations are required to be kept; and
 - (ii) any other books or documents which may be necessary for him to see for the purpose of any examination or investigation under sub-paragraph above;
 - (j) exercise any other power which is necessary for that purpose.
- (3) Any person who obstructs the Chief Executive or provides misleading information shall be guilty of an offence.

11. The Chief Executive may appoint and authorise any officer in the Authority for the purpose of carrying into effect the provisions of these regulations and such officer shall be furnished by the Chief Executive with a certificate of appointment, and shall, if so required when exercising or seeking to exercise any power conferred on him by any provisions of these regulations, produce this certificate or a duly authenticated copy thereof.

Appointment by Chief Executive.

12. If any officer who, in pursuance of the powers conferred by regulation 10 of these regulations, is admitted into any building, discloses to any person any manufacturing process or trade secret, he shall, unless the disclosure was made in the performance of his duty, be guilty of an offence.

Prohibition of disclosure of information.

13. Where any person is found guilty of an offence against the provisions of these regulations, he shall be liable to a fine (multa) of not less than one hundred liri and moreover to a penalty of not less than one hundred liri per day from the date of the conviction to the date in which such person complies with the said provisions, provided that such fine and penalty together shall not in any case exceed the amount of ten thousand liri.

Offences.

14. In the case of a second or subsequent conviction for any offence committed by any person exercising any art, trade or other calling in virtue of a licence from the competent authority, in connection with the exercise of such art, trade or other calling, it shall be lawful for the court to cancel the licence, or to suspend the same for any time, in its discretion.

Power of court to cancel or suspend license.

15. (1) In the case of any offence, the court, besides awarding punishment, shall order the offender, where the occasion so requires, to abate the nuisance arising from the offence, or, according to circumstances, to carry out the law within a time, sufficient for the purposes, to be fixed by the court; and, if the offender fails to comply with any such order within the time so fixed, he shall be liable to a fine (multa) of not less than one hundred liri for every day the default continues after the expiration of the said time.

Power of court to order abatement of nuisance, etc.

(2) The court may also order that the nuisance be abated, or that the law be carried out by the Police at the expense of the offender, in which case he may be made to refund the expense under a warrant issued by the court.

- 16.** In any proceedings for an offence under these regulations consisting of a failure to comply with a duty or requirement to act according to the principles of the best available technology, it shall be for the accused to prove that it was not possible for him to do more than was in fact done to satisfy these principles. Onus of proof.
- 17.** (1) Where an offence under these regulations is committed by a body or other association of persons, every person who, at the time of the commission of the offence, was a director, manager, secretary or other similar officer of such body or association, or was purporting to act in any such capacity, shall be guilty of that offence unless he proves that the offence was committed without his knowledge and that he exercised all due diligence to prevent the commission of the offence. Offence by body of persons, etc.
- (2) In the event of an offence by any person infringing any of these regulations which expressly imposes any duty upon him, that person shall be guilty of an offence and the owner or the person in whose name the trade premises is carried on, as the case may be, shall not be guilty of an offence unless it is proved that he failed to take all reasonable steps to prevent the offence.
- 18.** Save as otherwise expressly provided, any damages arising from any offence shall be recoverable by the Chief Executive or by an injured party as a civil debt. Recovery of damages by civil process.
- 19.** (1) The Environment Protection (Sewage Discharge Control) Regulations, 1993 are hereby repealed. Repeal of L.N. 8 of 1993 and saving.
- (2) The provisions of these Regulations shall apply to any permits issued before their entry into force in terms of the provisions of the Environment Protection (Sewage Discharge Control) Regulations, 1993.

SCHEDULE A

Substances with a Particular Biological Significance Due to their Toxicity, Persistence and Bioaccumulation

Organohalogen compounds and substances which form such compounds in the aquatic environment with the exception of those which are biologically harmless or which are rapidly converted into biologically harmless substances.

Organophosphorus compounds with the exception of those which are biologically harmless or which are rapidly converted into biologically harmless substances.

Organotin compounds with the exception of those which are biologically harmless or which are rapidly converted into biologically harmless substances.

Substances in respect of which it has been proved that they possess carcinogenic, teratogenic or mutagenic properties in or via the aquatic environment.

Mercury and its compounds.

Cadmium and its compounds.

Persistent mineral oils and hydrocarbons of petroleum origin.

Persistent synthetic substances which may float, remain in suspension or sink and which may interfere with any use of the waters.

Radioactive substances, including their wastes, when their discharges do not comply with the principles of radiation protection as defined by the competent international organizations, taking into account the protection of the aquatic environment.

SCHEDULE B

Substances of a Hazardous nature of Less Significance than those appearing in Schedule A

The following metalloids and metals and their compounds:

zinc	selenium	tin	vanadium
copper	arsenic	barium	cobalt
nickel	antimony	beryllium	thallium
chromium	molybdenum	boron	tellurium
lead	titanium	uranium	silver

Biocides and their derivatives not appearing in Schedule A.

Substances which have a deleterious effect on the taste and/or smell of the products for human consumption derived from the aquatic environment, and compounds liable to give rise to such substances in water.

Toxic or persistent organic compounds of silicon and substances which may give rise to such compounds in water, excluding those which are biologically harmless or are rapidly converted in water into harmless substances.

Inorganic compounds of phosphorus and elemental phosphorus.

Non-persistent mineral oils and hydrocarbons of petroleum origin.

Cyanides and fluorides.

Substances which have an adverse effect on the oxygen balance, particularly: ammonia and nitrites.

Micro-organisms, other than those contained in domestic sewage.

SCHEDULE C

Guideline Maximum Discharge Concentration Values

1. pH between 6 and 10
2. Temperature: 40°C
3. Settleable solids: 20 ml/L
4. Suspended solids: 500 mg/L
5. Total Kjeldahl Nitrogen: 100 mg/L as N
6. Sulphides and compounds releasing hydrogen sulphide on acidification: 10 mg/L as S
7. Hydrocyanic acid and compounds releasing hydrocyanic acid on acidification: 10 mg/L as CN
8. Total Sulphates: 1000 mg/L as SO₄
9. Free and emulsified grease: 200 mg/L
10. Free Chlorine: 100 mg/L as Cl
11. Chloride: 1000 mg/L as Cl
12. Total Chromium: 5 mg/L as Cr
13. Total Silver: 5 mg/L as Ag
14. Total Nickel: 5 mg/L as Ni
15. Total Copper: 5mg/L as Cu
16. Total lead: 1 mg/L as Pb
17. Total Zinc: 10 mg/L as Zn
18. Total non-ferrous metals: 30 mg/L
19. Total soluble non-ferrous metals: 10 mg/L
20. Total Arsenic: 0.05 mg/L as As
21. Total Fluoride: 10 mg/L as F
22. Total Boron: 2 mg/L as B

SCHEDULE D

**Application for the Granting of a
Public Sewer Discharge Permit**

SECTION A

I (name) as representative of
.....

residing at
.....

Telephone: Telex: Fax:

am applying for a permit to discharge effluent into the public sewer during the one year
period from to

Address of premises from which effluent will be discharged:
.....
.....

The following is a brief outline of activities/processes envisaged to be carried out at the
above premises during the above mentioned period:
.....
.....
.....

The substances that will be used at the above premises (not necessarily discharged in the
effluent) during the said period are:

Substances	Kg
.....
.....
.....
.....

The proposed point of discharge is indicated in the attached site plan, scale 1:2500, which is signed by Architect and Civil Engineer

(name in BLOCK LETTERS)

Declaration by Applicant

- * I declare that the effluent to be discharged from the above mentioned premises is exclusively domestic sewage i.e. effluent resulting exclusively from activities related to the habitation of humans, such as the use of toilets, wash hand basins, showers and kitchen facilities.
- * I declare that the effluent to be discharged from the above mentioned premises is trade effluent having the same characteristics as approved in Public Sewer Discharge Permit N°..... covering the period fromto

(If these options are chosen, you may proceed to SECTION E)

- * I declare that the effluent to be discharged from the above mentioned premises is, at least partly, trade effluent, as defined in the Environment Protection (Sewer Discharge Control) Regulations, 2002. For this reason, I am supplying the following information which, I understand, shall be treated as strictly confidential.

* tick the appropriate box

SECTION B

(TO BE FILLED IN FOR THE DISCHARGE OF TRADE EFFLUENT)

Type of industrial activity/processes envisaged to take place in above premises during the year (please tick appropriate box/boxes):

ACTIVITY I - MANUFACTURING AND PROCESSING

chemical (s)

specify which chemical(s)

.....

.....

.....

.....

- | | | | |
|-----------------------|--------------------------|------------------|--------------------------|
| textiles & clothes | <input type="checkbox"/> | shoes | <input type="checkbox"/> |
| metal goods | <input type="checkbox"/> | wines & spirits | <input type="checkbox"/> |
| beer | <input type="checkbox"/> | soft drinks | <input type="checkbox"/> |
| mineral water | <input type="checkbox"/> | paint & pigments | <input type="checkbox"/> |
| paper & cardboard | <input type="checkbox"/> | batteries | <input type="checkbox"/> |
| plastic & resin | <input type="checkbox"/> | food | <input type="checkbox"/> |
| tobacco | <input type="checkbox"/> | leather | <input type="checkbox"/> |
| stone & marble | <input type="checkbox"/> | tiles | <input type="checkbox"/> |
| carpentry | <input type="checkbox"/> | glue | <input type="checkbox"/> |
| soap & detergent | <input type="checkbox"/> | explosives | <input type="checkbox"/> |
| candle | <input type="checkbox"/> | rubber | <input type="checkbox"/> |
| glass & porcelain | <input type="checkbox"/> | lime | <input type="checkbox"/> |
| electronic components | <input type="checkbox"/> | | |
| | | other | <input type="checkbox"/> |

specify which

.....

.....

ACTIVITY II - SERVICING

- | | |
|-----------------------|--------------------------|
| electroplating | <input type="checkbox"/> |
| motor vehicles | <input type="checkbox"/> |
| photographic printing | <input type="checkbox"/> |
| laundries | <input type="checkbox"/> |
| dry cleaning | <input type="checkbox"/> |
| shipbuilding | <input type="checkbox"/> |
| other | <input type="checkbox"/> |

specify which

.....

.....

.....

*(a) maximum concentration in effluent, expressed in mg/L

** (b) total amount of material to be discharged in sewerage system during year, expressed in Kg.

SECTION E

I declare that the information contained above is true.

Signed:..... Date:

official
stamp
of
industrial
concern



Lm5 fee for first
application or any
subsequent
application
not being a renewal