

*The Environmental Management Act, 2000*

THE WATER POLLUTION RULES, 2001

**Arrangement of Rules**

*Rule*

1. Citation
2. Interpretation
3. Register of Water Pollutants
4. Requirements for source application
5. Prohibition against release of water pollutants
6. Source application
7. Registration certificate
8. Requirement to apply for a permit
9. General prohibition against non compliance with a notice to apply for a permit
10. Application for a permit
11. Further information
12. Incomplete application
13. Determination of application
14. Duration of permits
15. Permit conditions
16. Changes after grant of registration certificate or permit
17. Variation
18. Transfer of permit
19. Renewal of permits
20. Revocation of permits or registration certificate
21. Suspension of permits or registration certificate
22. Procedure for the revocation, suspension and variation of permit or registration certificate and rejection of claim
23. Notification of decisions of the Authority
24. Appeals to the Commission
25. Water Polluters Register
26. Trade secrets and confidential business information

LEGAL NOTICE NO. 230

REPUBLIC OF TRINIDAD AND TOBAGO

THE ENVIRONMENTAL MANAGEMENT ACT, 2000

RULES

MADE BY THE MINISTER UNDER SECTIONS 26, 48, 52, 53 AND 54 OF THE ENVIRONMENTAL MANAGEMENT ACT, 2000

THE WATER POLLUTION RULES, 2001

1. These Rules may be cited as the Water Pollution Rules, 2001. Citation
  
2. In these Rules— Interpretation
  - “Act” means the Environmental Management Act, 2000; Act No. 3 of 2000
  - “aquifer” means a formation of permeable rock saturated with water and with a degree of permeability that allows water to be withdrawn;
  - “agricultural” means pertaining to horticulture, fruit growing, seed growing, dairy farming, the breeding and keeping of livestock (including any creature kept for the production of food, clothing, or for the purpose of farming of land), the use of land as grazing land, meadow land, osier land, market gardens and nursery grounds, and use of land for woodlands where that use is ancillary to the farming land for other purposes;
  - “Authority” means the Environmental Management Authority established under section 6(1) of the Act;
  - “base flow” means the contribution of groundwater flow to stream flow;
  - “coastal nearshore” means the area of the marine environment which extends no more than three nautical miles from the high water mark;
  - “commercial” means of or pertaining to business or trade;
  - “Commission” means the Environmental Commission established under section 81 of the Act;
  - “disinfection” means the use of a chemical or technique to destroy or inhibit the growth of microorganisms that causes diseases;
  - “emergency” means any situation arising from events beyond the reasonable control of any person that requires

corrective action to restore normal operation and causes a facility to breach a permit condition or the permissible levels for release of water pollutants;

“facility” means any location within the environment, and any premises, vehicles, buildings, process, equipment, development, or natural or man-made structure at such location, from which water pollutants may be released;

“groundwater” means the water below the earth’s surface, usually in porous rock formations;

“industrial” means of or pertaining to the manufacture, processing, handling, transport, storage or disposal of materials (including raw materials, materials in the process of manufacture, manufactured materials, by-products and waste materials);

“inland surface waters” means the water from rivers, creeks, tidal waters, estuaries, swamps, streams, lakes and impounded reservoirs that flows over or rests upon the land surface of Trinidad and Tobago and in dry conditions includes the area over which such waters flowed or rested;

“institution” includes health care establishments, hospitals, prisons, schools and zoos;

“Local Authority” means a Council of a Municipal Corporation within the meaning of the Municipal Corporations Act, 1990;

Act No. 21 of  
1990

“marine offshore” means that area of the marine environment seaward of the coastal nearshore;

“motor vehicle” means any mechanically propelled vehicle intended or adapted for use on roads and includes a trolley vehicle, but does not include vehicles constructed exclusively for use on rails or other specially protected tracks;

“notice” means a notice in accordance with the form determined by the Authority;

Second  
Schedule

“permissible level” means the level specified in the Second Schedule outside of which a person releasing a water pollutant may be required by the Authority to submit an application pursuant to rule 8 for a permit;

“permit” means a water pollution permit granted under section 53(1) of the Act;

“permittee” means a person to whom a permit has been granted;

“place” means—

- (a) a geographically contiguous property where an activity is carried out;
- (b) a non-contiguous property where an activity is carried out that is connected by a right of way to which the public does not have access; or
- (c) two or more pieces of property, where an activity occurs, that are geographically contiguous and divided by public or private right of way(s);

“prescribed fee” means the fee prescribed by the Minister under section 96(2) of the Act;

“receiving environment” means any environment specified in the Second Schedule;

Second  
Schedule

“Register” means the register of water pollutants established under section 52(2) of the Act and maintained under rule 3;

“registrable facility” means—

- (a) an industrial facility;
- (b) a commercial facility;
- (c) an agricultural facility;
- (d) an institution; and
- (e) a sewerage facility;

“registered facility” means a facility that is entered in the Water Polluters Register;

“registered person” means a person to whom a registration certificate has been issued;

“Registrar” means the Registrar of Companies appointed under the Companies Act, 1995;

Act No. 35 of  
1995

“registration certificate” means a certificate issued under rule 7;

“source application” means an application under rule 6 to register a facility as a source of the release of a water pollutant;

“sewerage facility” means street sewers, collecting sewers and house sewers, and works or appliances of every kind forming part of the construction of the sewer system or necessary accessory, or incidental thereto and includes pumping stations and treatment plants;

“Tobago House of Assembly” means the Tobago House of Assembly referred to in section 141A of the Constitution;

“vehicle” means any form of conveyance or transportation from which water pollutants may be released;

“water” means any surface water, sea, groundwater, wetlands or marine areas within the environment;

“water pollutant” has the meaning assigned to it in rule 3(1);

“Water Polluters Register” means the record established under rule 25;

“WASA” means the Water and Sewerage Authority established under section 3 of the Water and Sewerage Act.

Chap. 54:50

Register of  
water  
pollutants  
First  
Schedule

3. (1) For the purpose of these Rules, the parameters or substances at the quantity, condition or concentration mentioned in the First Schedule are water pollutants specific to Trinidad and Tobago.

(2) The Authority shall maintain in any form a Register of Water Pollutants.

Requirement  
for source  
application

4. (1) Subject to sub-rule (2) a person who intends to release from a registrable facility a water pollutant that is likely to cause harm to human health or to the environment is required to submit a source application to the Authority forty-five working days prior to such release.

(2) A person who is already in the process of discharging a water pollutant from a registrable facility at the commencement of these Rules shall be required to submit a source application not later than forty-five working days from the commencement of these Rules.

(3) The operation of the registrable facility from which a water pollutant is released shall be allowed until final determination of source application.

(4) For the purpose of any application under these Rules, where in one place a person carries out an activity in more than one structure, that place may, subject to the discretion of the Authority comprise one facility.

(5) Unless otherwise authorised under sub-rules (1), (2) and (3), no person shall allow the release of a water pollutant from a registrable facility.

(6) Sub-rules (1) and (2) do not apply to—

(a) operational releases from motor vehicles;

(b) releases from households except where such households contain industrial or commercial facilities; or

(c) releases authorised by a competent governmental entity into sewerage facilities owned or operated by such competent governmental entity.

5. (1) A person shall not release a water pollutant into any water approved by a competent governmental entity for human consumption without treatment or where treatment has been limited solely to disinfection. Prohibition against release of water pollutants

(2) A person shall not release a water pollutant into groundwater where—

- (a) the groundwater is vulnerable to contamination because of the hydrological characteristics of the area under which the groundwater occurs;
- (b) no alternative source of drinking water is available to substantial current or future populations;
- (c) the aquifer provides the base flow for a sensitive ecological system;
- (d) the release of a water pollutant may destroy a unique habitat; or
- (e) the groundwater is a current or potential source of drinking water or has some other beneficial use.

6. (1) A source application shall—

- (a) be completed in triplicate and shall be submitted to the Authority together with the prescribed fee; Source application
- (b) be in accordance with the form as determined by the Authority;
- (c) be in respect of one facility; and
- (d) include the following information:
  - (i) the company or corporate name, or name of the institution or individual, the names of directors if any, the name and position of the applicant, the name of owner or occupier and the mailing address of the facility;
  - (ii) the location of the facility, including town or village, district, street name and lot number;
  - (iii) a brief description of the process or activity generating the release including principal products and raw materials used;
  - (iv) age, energy use and water use of the facility;
  - (v) existing or proposed volumetric release rates;
  - (vi) effluent quality monitoring data which shall indicate characteristics of release, including flow rate, quantity, conditions and concentrations of constituents;

- (vii) an indication of whether or not the facility is proposed or is in existence;
- (viii) an indication of whether or not other approvals from any other governmental entity are required under written law and whether such approvals have been obtained;
- (ix) topographic map of the area with a scale of one in twenty-five thousand, extending to at least one kilometre beyond the property boundary;
- (x) a description of any water pollution control programme;
- (xi) a description of the receiving environment into which the release is directed;
- (xii) any other relevant information deemed necessary by the Authority.

Act No. 35 of  
1995

(2) Where the facility is a company, the applicant shall supply the Authority with a Registrar's certificate furnished by the Registrar of Companies under section 486(1)(b) of the Companies Act stating that the name of the company is on the Register of Companies.

(3) The source application shall be signed by the principal executive officer where the application is with respect to a company and in other instances by the person owning or operating the registrable facility in respect of which the registration is being sought.

Registration  
certificate

7. (1) Subject to subrule (2), where the Authority receives a source application and determines that the applicant releases a water pollutant, the Authority shall within ten working days issue to the applicant a registration certificate.

(2) Where the applicant submits further information pursuant to rule 11 or 12 and the Authority determines that the applicant releases a water pollutant, the Authority shall within ten working days of receipt of that information issue to the applicant a registration certificate.

(3) A registration certificate is valid for a period of three years from the date of issue.

(4) Where a registered person wishes to continue to release a water pollutant beyond the expiration of the registration certificate, that person shall submit an application for renewal of a registration certificate to the Authority, in accordance with the form as determined by the Authority, together with the prescribed fee. Provided however that a person issued with a permit under these Rules shall not be required to renew a registration certificate when it expires.

(5) An application for the renewal of a registration certificate under subrule (4) shall be made at least thirty working days before the expiration of the registration certificate.

(6) Where a registered person has submitted an application for the renewal of a registration certificate in accordance with subrules (4) and (5), the expired registration certificate shall continue to be in force until the effective date of the renewed registration certificate.

8. (1) Where any person releases a water pollutant into a receiving environment outside the permissible level, that is likely to cause harm to human health or to the environment, the Authority may at any time notify that person to apply for a permit. Requirements to apply for a permit

(2) A person granted a permit shall be required to pay the prescribed fee.

9. (1) Subject to subrule (2), a person who receives a notice under rule 8(1) shall comply with the requirements of that notice. General prohibition against non-compliance with a notice to apply for a permit

(2) The operation of the facility from which the water pollutant is released shall be allowed to continue until a request to submit an application for a permit is made pursuant to rule 8(1) and final determination of the application for the permit. to apply for a permit

(3) Where a person receives a notice under rule 8(1), that person shall not, after the final determination of the application for a permit release any water pollutants outside the permissible levels unless that person has a valid permit granted by the Authority.

10. (1) An application for a permit shall— Application for a permit

(a) be submitted within thirty working days after the person receives a notice under rule 8(1);

(b) be completed in triplicate and shall be submitted to the Authority together with the prescribed fee and in accordance with the form prescribed by the Authority;

(c) be in respect of one facility;

(d) include the following information:

(i) company name or corporate name, name of institution or individual, names of directors if any name and position of applicant, name of owner or occupier and mailing address of the facility;

(ii) a map showing the location of any existing or proposed intake and release points;

(iii) an identification of the receiving water or waters by name;

- (iv) copies of any Environmental Impact Statement or Assessment Reports or environmental study which pertains to the facility;
- (v) description of any water pollution control programme; and
- (vi) any other information deemed necessary by the Authority;

(e) be signed by the principal executive officer where the application is with respect to a company and in other instances by the person owning or operating the facility in respect of which the permit is being sought.

Act No. 35 of  
1995

(2) Where the applicant is a company, the applicant shall supply the Authority with a Registrar's certificate furnished by the Registrar of Companies under section 486(1)(b) of the Companies Act stating that the name of the company is on the Register of Companies.

(3) The Authority may, at the request of the applicant, grant a reasonable extension of the time prescribed in sub-rule (1)(a).

Further  
information

11. (1) The Authority may, during the determination of an application under these Rules, request oral or additional written information from—

- (a) an applicant;
- (b) a person who is directly affected by the application;
- (c) a Local Authority, any agency of the Tobago House of Assembly or any other government entity; or
- (d) any source the Authority considers appropriate.

(2) Where the Authority receives information under subrule 1(b), 1(c) or 1(d) the Authority shall—

- (a) forward to the applicant a summary of such information; and
- (b) request the applicant to submit a response within a specified time.

(3) Where during the determination of an application under these Rules the applicant becomes aware—

- (a) that in an application or in a report to the Authority the applicant has failed to submit any relevant facts or has submitted incorrect information; or
- (b) that there is any change affecting the accuracy of any information provided to the Authority,

the applicant shall within ten working days, notify and submit to the Authority the relevant facts and correct information.

12. (1) Where the Authority considers that the applicant has omitted to provide any of the information required under these Rules, the Authority shall notify the applicant in writing of the omission within ten working days of receipt of the application and shall request within a specified time the omitted information. <sup>Incomplete application</sup>

(2) The Authority may, at the request of the applicant allow an extension of the time limit specified by the Authority pursuant to subrule (1) or rule 11(2).

(3) Without prejudice to the generality of rule 13(1), where the applicant does not supply the information as requested under subrule (1) or rule 11(1)(a) or 11(2)(b) within the time limit specified by the Authority under subrule (1) or (2), or rule 11(1)(a) or 11(2)(b) the Authority may refuse to grant a permit or issue a registration certificate.

13. (1) Subject to subrule (2) the Authority shall within thirty working days of receipt of a completed application under rule 10 grant or refuse to grant with or without conditions, a permit to the applicant. <sup>Determination of application</sup>

(2) Where the applicant under rule 10 submits further information under rule 11(2), 11(3) or 12 the Authority shall grant or refuse to grant a permit within thirty working days of receipt of the information.

14. Unless previously revoked, varied or suspended by the Authority, a permit shall be effective until a fixed date specified in the permit, which date shall not be more than five years from the date on which the permit was granted. <sup>Duration of permits</sup>

15. (1) The Authority shall establish in each permit—

- (a) the water pollutants authorised to be released;
- (b) the quantity, conditions and concentrations the permittee may release;
- (c) the exact location where the sampling of the release shall be performed; and
- (d) reporting requirements.

<sup>Permit conditions</sup>

(2) The Authority may establish in each permit, conditions, as required in the case of each facility, including the following requirements:

- (a) that the permittee shall take all reasonable steps to—
  - (i) avoid all adverse environmental impacts which could result from the activity;

- (ii) minimize the adverse environmental impact where the avoidance is impractical;
  - (iii) mitigate the impact where the impact cannot be avoided;
- (b) that monitoring of the conditions of the permit be conducted in accordance with the methods specified in the permit;
- (c) that measurements taken for the purpose of monitoring shall be representative of the release;
- (d) that the permittee shall retain records of all monitoring, including—
  - (i) all calibration and maintenance records;
  - (ii) all original strip chart or electronic recordings for continuous monitoring instrumentation;
  - (iii) copies of all reports required by the permit; and
  - (iv) records of all data used to complete the application for a permit,for a period of at least four years from the date of the expiration of a permit which period may be extended by the Authority;
- (e) that records of monitoring information include—
  - (i) the date, exact place and time samples or measurements were taken;
  - (ii) the name(s) of individual(s) who took the samples or measurements;
  - (iii) the date(s) analyses were performed;
  - (iv) the individual(s) who performed the analyses;
  - (v) the analytical methods used;
  - (vi) the results of such analyses;
  - (vii) the methods supporting the information such as observations, readings, calculations and bench data used and the results of such methodologies;
  - (viii) the state of the operation of the facility including, but not limited to, planned and unplanned shutdowns, production levels and achievement of design capacity; and
  - (ix) handling of samples;
- (f) that the permittee shall at all times properly operate and maintain all facilities and systems of treatment and control which are installed and used by the permittee to achieve compliance with the permit;

- 
- (g) that the permittee shall at all times carry out and maintain—
- (i) best management practices;
  - (ii) pollution and prevention measures;
  - (iii) adequate laboratory controls;
  - (iv) the appropriate quality assurance procedures; and
  - (v) back-up or auxiliary facilities to achieve compliance with the permit;
- (h) that the permittee shall furnish the Authority with any information which the Authority may request to determine whether cause exists for varying, suspending, revoking or renewing the permit or to determine compliance with the permit;
- (i) that the permittee shall furnish to the Authority, upon request, copies of records required to be kept by the permittee;
- (j) that the permittee report all instances of anticipated non-compliance to the Authority and shall give reasonable advance notice to the Authority of any planned changes in the permitted facility or activity which may result in non-compliance with the permit requirements;
- (k) that, where there has been non-compliance with the permit requirements, the permittee shall—
- (i) report to the Authority, within forty-eight hours of the time the permittee becomes aware of the circumstances of the non-compliance, the anticipated manner in which it may endanger health or the environment;
  - (ii) within five working days submit to the Authority a written report containing a description of the non-compliance, its cause and the period of non-compliance including exact dates and time, the response, clean-up and counter measures taken;
  - (iii) if the non-compliance has not been corrected, submit a report to the Authority indicating the anticipated time it is expected to continue; and
  - (iv) state whether the permittee considers that the non-compliance was due to an emergency and the reasons for such a belief;

- (l) that the permittee shall allow an authorised representative of the Authority, upon the presentation of identification, to—
- (i) enter upon the facility where the water pollutant is released or where records must be kept under the condition of the permit;
  - (ii) have access to and copy, at reasonable times, any records that must be kept under the conditions of the permit;
  - (iii) inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under the permit; and
  - (iv) sample or monitor at reasonable times, for the purposes of ensuring permit compliance.
- (3) In deciding the terms and conditions of a permit, the Authority shall have regard to information submitted under rule 6, 10, 11, 12 or 16.
- (4) In determining the conditions of a permit, the factors to be considered by the Authority shall include but not be limited to—
- (a) the industrial profile of the activities conducted at the facility;
  - (b) the volumetric release rates of effluents;
  - (c) the quality of the effluent including conditions and concentrations of constituents;
  - (e) characteristics of receiving waters (example whether marine or inland, flow rates, depth, water quality);
  - (f) uses of receiving water;
  - (g) age of the facility;
  - (h) pollution control equipment installed;
  - (i) location of point source;
  - (j) best available practicable technology; and
  - (k) other relevant information.

Changes after  
grant of  
registration  
certificate or  
permit

16. (1) A registered person or permittee shall, within twenty-one working days of the following events, give the Authority notice in writing of:
- (a) a change affecting the accuracy of any particulars provided in an application for a registration certificate or permit; or
  - (b) the cessation of the operation of the facility in respect of which the registration certificate or permit has been issued.

(2) A registered person or a permittee shall, upon payment of the prescribed fee, give notice to the Authority at least one hundred and eighty working days prior to any facility expansion or modification, production increase or modification, or process increase or modification which will result in a new or increased release of one or more water pollutants.

(3) The notice in subrule (2) shall—

(a) indicate the proposed characteristics of release including the method of release, quantity, conditions and concentrations;

(b) identify the receiving water or waters by name; and

(c) contain a map showing the proposed location of any proposed intake and release structures.

(4) Where a registered person or permittee—

(a) dies;

(b) becomes bankrupt;

(c) transfers ownership;

(d) goes into liquidation or receivership; or

(e) becomes a party to an amalgamation,

that person or the person responsible for his affairs, shall within twenty-one working days of the event, give the Authority notice in writing thereof.

17. (1) The Authority may—

Variation

(a) on its own initiative vary the conditions of a permit or a variation granted pursuant to subrule (8); or

(b) on the application of the permittee vary the conditions of a permit or the permissible levels for the facility.

(2) The Authority may vary a permit under subrule (1)(a)—

(a) where it appears to the Authority that a situation specified in rule 16 has occurred;

(b) where it appears to the Authority that an emergency has occurred;

(c) in order to ensure the attainment or maintenance of water quality;

(d) in order to protect and ensure the propagation of a balanced community of plant and animal life specific to an area or region;

(e) in order to allow recreational activities in water; or

(f) where it appears to the Authority that any other change, situation or activity relating to the use of the permit has occurred that is not consistent with these Rules.

(3) Where the Authority varies a permit under subrule (1)(a) it shall issue to the permittee an amended permit or remove the requirement for a permit where the permittee by virtue of a variation is within all the prescribed limits.

(4) An application under subrule (1)(b) shall be submitted to the Authority, together with the prescribed fee.

(5) Subject to subrules (6) and (7), where the Authority receives an application under subrule (1)(b) for a variation other than a variation of the permissible levels for a facility, the Authority shall, within thirty working days of receipt of the completed application, issue to the applicant an amended permit or refuse to grant a variation.

(6) Subject to subrule (7) where the Authority receives an application under subrule (1)(b) for a variation of the permissible levels for a facility, the Authority may in the case of an application for a variation of the permissible levels for the facility issue an amended permit or make a decision to remove the requirement for a permit or refuse to grant the variation within a reasonable time of receipt of the application by the Authority so as to allow the Authority to carefully assess the implications of varying the permissible levels for the facility.

(7) Where the permittee under subrule (1)(b) submits further information under rule 11(1), 11(2), 12 or 16 the Authority may issue to the applicant an amended permit within thirty working days of receipt of such information and in the case of an application for a variation of the permissible levels for the facility issue an amended permit or make a decision to remove the requirement for a permit or refuse to grant the variation within a reasonable time.

(8) The Authority may approve the application under subrule (1)(b), if the application is based on supported scientific rationale in the following areas:

- (a) variation of prescribed methods of sampling preservation and analysis;
- (b) variation of permissible levels of water pollutants from facilities into the environment;
- (c) variation of the water pollutants to be monitored; and
- (d) variation of the frequency of monitoring.

- (9) The Authority shall not approve an application under subrule (1)(b) where a variation will impair—
- (a) the attainment or maintenance of water quality;
  - (b) the protection and propagation of a balanced community of plant or animal life specific to an area or region;
  - (c) a source of drinking water;
  - (d) recreational activities in the water.

18. (1) No permit is assignable or transferable to any person without the consent of the Authority and the payment of the prescribed fee. Transfer of permit

(2) The Authority may, on the application of a permittee, transfer a permit to another person.

(3) The Authority shall not approve an application under subrule (2) unless the application is in respect of the release to which the permit applies.

(4) An application for a transfer shall be in triplicate in accordance with the form as determined by the Authority, and shall be submitted to the Authority together with the prescribed fee.

- (5) An application for a transfer shall contain—
- (a) the name and address of the proposed transferee; and
  - (b) the signatures of the proposed transferee and the applicant.

(6) An application for a transfer shall be accompanied by the permit which is to be transferred.

(7) Where the proposed transferee is a company, an application for a transfer shall be accompanied by a Registrar's certificate furnished by the Registrar of Companies under section 486 (1)(b) of the Companies Act stating that the name of the company is on the Register of Companies. Act No. 35 of 1995

(8) Where the Authority approves an application under subrule (2), the Authority shall—

- (a) endorse the transfer on the permit submitted under subrule (6);
- (b) substitute the name of the applicant on the permit for that of the transferee; and
- (c) endorse date on which the application was approved.

19. (1) Where a permittee desires to continue to release a water pollutant beyond the expiration of a permit, the permittee shall submit an application for the renewal of a permit to the Authority, in accordance with the form as determined by the Authority, together with the prescribed fee. Renewal of permits

(2) An application for a new permit shall be made at least thirty working days before the expiration of the permit.

(3) Where, after the expiration of a permit, a permittee has submitted an application for the new permit in accordance with subrules (1) and (2), the expired permit shall continue in force until the effective date of the renewed permit.

(4) A person whose permit has been renewed shall be required to pay the prescribed fees.

Revocation of  
permits or  
registration  
certificate

20. The Authority may revoke a permit or registration certificate if it appears to the Authority that—

- (a) the continuation of the release authorised by the permit or registration certificate would cause serious pollution of the environment or serious harm to human health that cannot be avoided by varying the conditions of the permit or registration certificate;
- (b) the registered person or permittee has made a misrepresentation or wilful omission in obtaining the permit or registration certificate or in any report submitted to the Authority;
- (c) the permittee has violated any fundamental condition of the permit;
- (d) there has been any other change in circumstances relating to the permit or registration certificate that requires a permanent reduction in the release.

Suspension of  
permits or  
registration  
certificate

21. (1) The Authority may suspend a permit or registration certificate if it appears to the Authority that—

- (a) the continuation of the release authorised by the permit or registration certificate would cause serious pollution of the environment or serious harm to human health;
- (b) the permittee has violated any condition in the permit;
- (c) there has been any other change in circumstances relating to the permit or registration certificate that requires either a temporary reduction in the release.

(2) A permit or registration certificate suspended under this rule shall be of no effect to authorise the release allowed in the permit or registration certificate.

(3) Where a permit or registration certificate is suspended under this rule, the Authority in suspending it or at any time while it is suspended, may require the permittee or the person in receipt of the registration certificate to take such measures to deal with or avert the pollution or harm.

22. The Authority shall not revoke, suspend or vary a permit or registration certificate or reject a claim under rule 26 unless it has—

(a) given written notice to the permittee or applicant or person in receipt of a registration certificate that it intends to do so;

(b) specified in the notice the reasons for its intention to do so;

(c) given the permittee or applicant or person in receipt of a registration certificate a reasonable opportunity to make submissions in relation to the revocation, suspension, variation or rejection; and

(d) taken into consideration any submissions made by the permittee or applicant or person in receipt of a registration certificate within five working days of service of the notice prescribed in paragraph (a).

Procedure for the revocation, suspension and variation of permit or registration certificate and rejection of claim

23. The Authority shall by notice inform the applicant or the permittee, as the case may be, of the following decisions in relation to a permit or registration certificate:

Notification of decisions of the Authority

- (a) refusal of a grant of a permit or issue of a registration certificate under rule 12(3) or 13;
- (b) conditions attached to a grant under rule 13;
- (c) a variation under rule 17(1)(a);
- (d) refusal of an application for a variation under rule 17(1)(b);
- (e) refusal of an application for a transfer under rule 18;
- (f) refusal of an application for a renewal under rule 19;
- (g) a revocation under rule 20;
- (h) a suspension under rule 21; or
- (i) a rejection of a claim under rule 26.

24. A decision of the Authority mentioned in rule 23 is subject to appeal to the Commission.

Appeals to the Commission

25. (1) The Authority shall establish and maintain a Water Polluters Register—

Water Polluters Register

- (a) consisting of any registrable facilities that are a source of releases of a water pollutant and which shall be open to the public for inspection at the Authority's principal office during working hours; and
- (b) which may be kept in any form.

(2) Subject to rule 26, the Water Polluters Register shall contain particulars of, or relating to—

- (a) every source application and every application for a permit;
- (b) every registration certificate and permit;

- (c) every refusal to grant a permit under rules 12(3) and 13 together with the reasons for the refusal;
- (d) every variance under rule 17(1)(a);
- (e) every refusal to vary the conditions of a permit under rule 17(1)(b) together with reasons for refusal;
- (f) every refusal of a renewal of a permit under rule 19;
- (g) every revocation under rule 20;
- (h) every suspension under rule 21;
- (i) ministerial directives under section 5 of the Act;
- (j) inspection reports pursuant to sections 22 and 23 of the Act;
- (k) notices of all types including notices of violation under section 63 of the Act;
- (l) administrative orders under sections 64 and 65 of the Act;
- (m) administrative civil assessments under section 66 of the Act;
- (n) applications for enforcement under section 67 of the Act;
- (o) other actions by the Authority under section 68 of the Act; and
- (p) complaints against permittees under section 69 of the Act.

(3) An extract from the Water Polluters Register shall be supplied at the request of any person on payment of the prescribed fee.

Trade secrets  
and  
confidential  
business  
information

26. (1) An applicant, upon payment of the prescribed fee, may assert a claim in accordance with the form as determined by the Authority, that any of the information supplied to the Authority under rule 6, 10, 11, 12 or 16 is a trade secret or confidential business information and that it be omitted from the Water Polluters Register.

- (2) The Authority may reject the claim for the reason—
  - (a) that the applicant has not disclosed the basis for the claim;
  - (b) that the basis thereof is invalid; or
  - (c) that the public interest in disclosing the information clearly outweighs any prejudice to the applicant.

(3) The Authority shall omit the information from the Water Polluters Register where—

- (a) the Authority does not contest the claim; or
- (b) the Authority rejects the claim under subrule (2) but the claim is upheld on an appeal pursuant to rule 24.

## FIRST SCHEDULE

(Rule 3)

## REGISTER OF WATER POLLUTANTS

No.	Parameters or Substances	Quantity, Condition or Concentration at which substance or parameter is defined as a pollutant <sup>a</sup>
1.	Temperature	Maximum variation of 3°C from ambient
2.	Hydrogen ion (pH)	Less than 6 or greater than 9.
3.	Dissolved Oxygen Content (DO)	<4
4.	Five day Biological Oxygen Demand (BOD <sub>5</sub> at 20° C)	>10
5.	Chemical Oxygen Demand (COD)	>60
6.	Total Suspended Solids (TSS)	>15
7.	Total Oil and Grease (TO&G) or n-Hexane Extractable Material (HEM)	>10
8.	Ammoniacal Nitrogen (as NH <sub>3</sub> -N)	>0.01
9.	Total Phosphorus (as P)	>0.1
10.	Sulphide (as H <sub>2</sub> S)	>0.2
11.	Chloride (as Cl <sup>-</sup> )	>250
12.	Total Residual Chlorine (as Cl <sub>2</sub> )	0. 2
13.	Dissolved Hexavalent Chromium (Cr <sup>6+</sup> )	>0.01
14.	Total Chromium (Cr)	>0.1
15.	Dissolved Iron (Fe)	>1.0
16.	Total Petroleum Hydrocarbons (TPH)	NIAA
17.	Total Nickel (Ni)	>0.5
18.	Total Copper (Cu)	>0.01
19.	Total Zinc (Zn)	>0.1
20.	Total Arsenic (As)	>0.01
21.	Total Cadmium (Cd)	>0.01
22.	Total Mercury (Hg)	>0.005
23.	Total Lead (Pb)	>0.05
24.	Total Cyanide (as CN <sup>-</sup> )	>0.01
25.	Phenolic Compounds (as phenol)	>0.1
26.	Radioactivity	NIAA
27.	Toxicity	NATE
28.	Faecal Coliforms	>100
29.	Solid Waste	No solid debris

<sup>a</sup> all units are in milligrams per litre (mg/L) except for temperature (°C), pH (pH units), turbidity (NTU), faecal coliforms (counts per 100 ml), radioactivity (Bq/L) and toxicity (toxic units).

NIAA—no increase above ambient

NATE—no acute toxic effects

>greater than <less than

## SECOND SCHEDULE

(Rule 8)

## PERMISSIBLE LEVELS

No.	Water Pollutants Parameters or Substances	Receiving Environment			
		Inland Surface Water	Coastal Nearshore	Marine Offshore	Environmentally Sensitive Areas and/or Groundwater
Levels or Conditions					
1.	Temperature	35	40	45	NIAA
2.	Dissolved Oxygen	<4	<4	<4	<4
3.	Hydrogenion (pH)	6-9	6-9	6-9	6-9
4.	Five day Biological Oxygen Demand (BOD <sub>5</sub> at 20°C)	30	50	100	10
5.	Chemical Oxygen Demand (COD)	250	250	250	60
6.	Total Suspended Solids (TSS)	50	150	200	15
7.	Total Oil and Grease (TO&G) or n-Hexane Extractable Material (HEM)	10	15	100	No release
8.	Ammoniacal Nitrogen (as NH <sub>3</sub> -N)	10	10	10	0.1
9.	Total Phosphorus (as P)	5	5	5	0.1
10.	Sulphide (as H <sub>2</sub> S)	1	1	1	0.2
11.	Chloride (as Cl <sup>-</sup> )	250	NIAA	NIAA	NIAA
12.	Total Residual Chlorine (as Cl <sub>2</sub> )	1	1	2	0.2
13.	Dissolved Hexavalent Chromium (Cr <sup>6+</sup> )	0.1	0.1	0.1	0.01
14.	Total Chromium (Cr)	0.5	0.5	0.5	0.1
15.	Dissolved Iron (Fe)	3.5	3.5	3.5	1.0
16.	Total Petroleum Hydrocarbons (TPH)	25	40	80	No release
17.	Total Nickel (Ni)	0.5	0.5	0.5	0.5
18.	Total Copper (Cu)	0.5	0.5	0.5	0.01
19.	Total Zinc (Zn)	2	2	2	0.1
20.	Total Arsenic (As)	0.1	0.1	0.1	0.01
21.	Total Cadmium (Cd)	0.1	0.1	0.1	0.01
22.	Total Mercury (Hg)	0.01	0.01	0.01	0.005
23.	Total Lead (Pb)	0.1	0.1	0.1	0.05
24.	Total Cyanide (as CN <sup>-</sup> )	0.1	0.1	0.1	0.01
25.	Phenolic Compounds (as phenol)	0.5	0.5	0.5	0.1
26.	Radioactivity	NIAA	NIAA	NIAA	NIAA

## SECOND SCHEDULE—CONTINUED

(Rule 8)

## PERMISSIBLE LEVELS

No.	Water Pollutants Parameters or Substances	Receiving Environment			
		Inland Surface Water	Coastal Nearshore	Marine Offshore	Environmentally Sensitive Areas and/or Groundwater
Levels or Conditions					
27.	Toxicity	NATE	NATE	NATE	NATE
28.	Faecal Coliforms	400	400	400	100
29.	Solid Waste	NSD	NSD	NSD	NSD

<sup>a</sup> all units are in milligrams per litre (mg/L) except for temperature (°C), pH (pH units), faecal coliforms (counts per 100 ml), radioactivity (Bq/L) and toxicity (toxic units)

NIAA—no increase above ambient

NATE—no acute toxic effects

NSD—No solid debris

<—less than

Made this 22nd day of June, 2001.

A. NANAN

*Minister of the Environment*

Laid in the House of Representatives this 20th day of September, 2001.

J. SAMPSON-JACENT

*Clerk of the House*

Laid in the Senate this 26th day of September, 2001.

N. COX

*Clerk of the Senate*