L.N. 380 of 2003

PUBLIC HEALTH ACT, 2003
(ACT NO. XIII OF 2003)

Quality of Bathing Water Regulations, 2003

IN exercise of the powers conferred by article 26 of the Public Health Act, 2003, the Minister of Health has made the following regulations:-

Citations and commencement.

1. (1) The title of these regulations is the Quality of Bathing Water Regulations, 2003.

(2) These regulations shall come into force on the

Objective.

2. (1) These regulations regulate the quality of bathing water intended for recreational use by the public along the Maltese coastline.

(2) These regulations shall not apply to:-

(a) water intended for therapeutic purposes;

(b) water used in swimming pools.

Definitions.

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

"bathing season" means the period running from the third week in May till the third week in October of each year;

"competent authority" means the Superintendent of Public Health.

Applicable parameters.

4. The physical, chemical and microbiological parameters applicable to bathing water are indicated in the Schedule to these regulations:

Provided that the competent authority may set specific values and parameters for all or specific bathing areas:

Provided further that such values may not be less stringent than those in column I of the Schedule.

Criteria for classification of bathing water.

5. For the purpose of these regulations, bathing water shall be deemed to conform to the relevant parameters:

if samples of the water, taken at the sampling point and at the intervals specified in the Schedule, show that it conforms to the parametric values for the quality of the water concerned, in the case of:-

- 95% of the samples for parameters corresponding to those specified in column I of the Schedule;

- 90% of the samples in all other cases with the exception of the ëtotal coliformí and ëfaecal coliformí parameters where the percentage may be 80%,

and if, in the case of the 5, 10 or 20% of the samples which do not comply:-

- the water does not deviate from the parametric values in question by more than 50%, except for microbiological parameters, pH and dissolved oxygen;

- consecutive water samples taken at statistically suitable intervals do not deviate from the relevant parametric values.

Deviations from applicable values.

6. Deviations from the values referred to in regulation 4 shall not be taken into consideration in the calculation of the percentage referred to in regulation 5 when they are results of floods, other natural disasters or abnormal weather conditions.

Sampling operations.

7. (1) The competent authority shall carry out a sampling programme, the minimum frequency of which is laid down in the Schedule.

(2) Samples should be taken by an authorised officer at places where the daily average density of bathers is highest.

(3) Samples should preferable be taken 30 cm below the surface of the water except for mineral oil samples which shall be taken at surface level.

(4) Sampling should begin two weeks before the start of the bathing season.

Investigations and inspections.

8. (1) Local investigations of the ambient conditions should be carried periodically by an authorised officer in order to obtain geographical and topographical data and to determine the volume and nature of all polluting and potentially polluting discharges and their effects according to the distance from the bathing area.

(2) When inspections by the competent authority or sampling indicate that there is a discharge or a probable discharge of substances likely to lower the quality of bathing water, additional sampling must take place.

Methods of analysis.

9. (1) Reference methods of analysis for the parameters concerned as set out in the Schedule.

(2) Laboratories which employ other methods must ensure that the results obtained are equivalent or comparable to those specified in the Schedule.

(3) Laboratories which make use of alternative methods of analysis shall provide the competent authority with all relevant information concerning such methods and their equivalent for its approval.

Waiver of regulation.

10. The provisions of this regulation shall not apply for parameters marked (0) in the Schedule due to exceptional weather or geographical conditions and when bathing water undergoes natural enrichment:

Provided that "natural enrichment" means the process whereby, without human intervention, a given body of water receives from the soil certain substances contained therein.

Provided further that the exceptions provided for in this section shall not prejudice the requirements essential for public health protection.

Temporary closure of bathing areas.

11. The competent authority shall temporarily close a particular bathing area or part thereof when:

(a) inspections by an authorised officer reveals that there is a discharge or a probable discharge of substances likely to deteriorate the quality of the bathing water:

Provided that the competent authority shall after the discharge is eliminated, collect samples for analysis of any parameter it deems fit;

(b) additional sampling results reveal that there is a deterioration in water quality;

(c) samples analysed for faecal coliform counts result more than 1000/100 ml and the result is confirmed by repeat sampling.

Withdrawal of temporary closure.

12. The competent authority shall withdraw the temporary closure of a particular bathing area or part thereof when:-

(a) at least three consecutive sample results collected daily indicate that faecal coliform counts are less than 1000ċ100 ml;

(b) when the competent authority determines that the water quality is within the acceptable level.

Provided that the competent authority shall inform the public of any such withdrawal.

Warning notices

13. (1) The competent authority shall put up and maintain warning notices at those bathing areas temporarily closed and shall additionally inform the public of any such areas by any means whatsoever:

Provided that in the case of a private beach lying in the vicinity of an area temporarily closed by the competent authority, it shall be the responsibility of the person in charge of such beach to affix warning notices and inform his patrons that bathing is not recommended.

(2) For the purpose of this regulation, ìprivate beachî shall include any beach concession.

(3) The competent authority shall make available relevant information on each bathing area when requested.

Removing etc..

14. No person shall remove, alter, temper or otherwise damage in any way, any warning notice put up by the competent authority.

Responsibility of third parties.

15. Any person collecting, transporting or otherwise making use of seawater for any type of recreational facilities, shall not make use of seawater deriving from any site in respect of which bathing is not recommended by the competent authority.

Duties of the competent authority.

16. The competent authority shall: -

(a) forthwith notify the European Commission, when it waives the provisions of these regulations, stating the reasons and the periods anticipated;

(b) take the measures necessary to ensure that adequate and up-to-date information on the quality of bathing water is available to consumers;

(c) without prejudice to other provisions which may be adopted regarding the freedom of access to information on the environment, the competent authority shall publish a comprehensive report on the bathing water quality.

Provided that this report shall be forwarded to the European Commission for publication as necessary.

SCHEDULE

QUALITY REQUIREMENTS FOR BATHING WATER

	Parameters	G	I	Minimum sampling frequency	Method of analysis and inspection
	Microbiological				
1	Total coliforms /100 ml	500	10,000	Fortnightly (1)	Fermentation in multiple tubes. Subculturing of the positive tubes on a confirmation medium. Count according to MPN (most probable number) or membrane filtration and culture on an appropriate medium such as Tergitol lactose agar, endo agar, 0,4 % Teepol broth, subculturing and identification of the suspect colonies.
2	Faecal coliforms /100 ml	100	2 000	Fortnightly (1)	In the case of 1and 2,the incubation temperature is variable according to whether total or faecal coliforms are being investigated.
3	Faecal streptococci /100 ml	100	—	(2)	Litsky method. Count according to MPN (most probable number) or filtration on membrane. Culture on an appropriate medium. Fermentation in multiple tubes. Subculturing of the positive tubes on a confirmation medium. Count according to MPN (most probable number) or membrane filtration and culture on an appropriate medium such as Tergitol lactose agar, endo agar, 0,4 % Teepol broth, subculturing and identification of the suspect colonies.
4	Salomonella /1 l	—	0	(2)	Concentration by membrane filtration. Inoculation on a standard medium. Enrichment — subculturing on isolating agar — identification.
5	Entero viruses PFU/10 l	—	0	(2)	Concentrating by filtration flocculation or centrifuging and confirmation.

	Physico-chemical				
6	pH	—	6 to9(0)	(2)	Electrometry with calibration at pH 7 and 9
7	Colour	— —	No abnor-mal change in colour (0) —	Fortnightly (1) (2)	Visual inspection or photometry with standards on the Pt.Co scale.
8	Mineral oils mg/l	— ± 0,3	No film visible on the surface of the water and no odour —	Fortnightly (1) (2)	Visual and olfactory inspection or extraction using an adequate volume and weighing the dry residue.
9	Surface-active substances reacting with methylene blue mg/l (lauryl-sulfate)	— ± 0,3	No lasting foam —	Fortnightly (1) (2)	Visual inspection or absorption spectrophotometry with methylene blue.
10	Phenols (phenol indices) mg/l C_5H_5OH	— ±0,005	No specific odour ± 0,005	Fortnightly (1) (2)	Verification of the absence of specific odour due to phenol or absorption spectrophotometry 4-aminoantipyrine (4 AAP) method.
11	Transparency m	2	1 (0)	Fortnightly (1)	Secchi's disc.
12	Dissolved oxygen % saturation O_2	80 to 120	---	2	Winkler's method or electro-metric method (oxygen meter).
13	Tarry residues and floating materials such as wood, plastic articles, bottles, containers of glass, plastic,rubber or any other substance. Waste or splinters.	Absence		Fortnightly (1)	Visual inspection.
14	Ammonia mg/l NH_4			(3)	Absorption spectrophotometry, Nessler's method or indophenol blue method.
15	Nitrogen Kjeldahl mg/l N			(3)	Kjeldahl method.

	Other substances regarded as indications of pollution					
16	Pesticides (parathion, HCH, diedrin)	mg/l			(2)	Extraction with appropriate solvents and chromatographic determination
17	Heavy metals such as: —arsenic —cadmiuim — chrome VI —lead —mercury	 mg/l As Cd Cr VI Pb Hg			(2)	Atomic absorption possibly preceded by extraction
18	Cyanides	mg/l Cn			(2)	Absorption spectrophotometry using a specific reagent
19	Nitrates and Phosphates	mg/l NO_3 PO_4			(3)	Absorption spectrophotometry using a specific reagent

G= guide

I = mandatory.

(0) Provision exists for exceeding the limits in the event of exceptional geographical or meteorological conditions.

(1) When a sampling taken in previous years produced results which are appreciably better than those in this Annex and when no new factor likely to lower the quality of the water has appeared, the competent authorities may reduce the sampling frequency by factor of 2.

(2) Concentration to be checked by the competent authorities when an inspection in the bathing area shows that the substance may be present or that the quality of the water has deteriorated.

(3) These parameters must be checked by the competent authorities when there is a tendency towards the eutrophication of the water.

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