

A.L. 220 ta' l-2001**ATT DWAR IL-HARSIEN TA' L-AMBJENT
(ATT NRU. XX TA' L-2001)****Regolamenti ta' l-2001 dwar Limitu ta' Valuri u Objettivi ta' Kwalità għar-Rimi ta' Merkurju mill-Industrija ta' l-Elettrolisi tal-Kloro-Alkali**

BIS-SAHHA tas-setghat mogħtija bl-artikoli 3, 9 u 28 ta' l-Att ta' l-2001 dwar il-Harsien ta' l-Ambjent, il-Ministru ta' l-Ambjent għamel dawn ir-regolamenti li ġejjin:-

1. (1) It-titolu ta' dawn ir-regolamenti hu Regolamenti ta' l-2001 dwar Limitu ta' Valuri u Objettivi ta' Kwalità għar-Rimi ta' Merkurju mill-Industrija ta' l-Elettrolisi tal-Kloro-Alkali. Titolu u bidu fis-sehh.

(2) Dawn ir-regolamenti għandhom jidhlu fis-sehh f'dik id-data li l-Ministru responsabbli għall-ambjent jista' jstabbilixxi b'avviż fil-Gazzetta, u dati differenti jistghu jiġu hekk stabbiliti għal disposizzjonijiet differenti u għanijiet differenti ta' dawn ir-regolamenti.

(3) Avviż magħmul skond is-subregolament (2) ta' dawn ir-regolamenti jista' jagħmel dawk id-disposizzjonijiet transitorji li jidhru lill-Ministru li jkunu neċessarji jew meħtieġa in konnessjoni mad-disposizzjonijiet li jkunu qed jinġiebu fis-sehh.

2. (1) F'dawn ir-regolamenti, kemm-il darba r-rabta tal-kliem ma tkunx teħtieġ xort'ohra. Tifsir.

“awtorità kompetenti” tfisser id-Dipartiment għall-Harsien ta' l-Ambjent taħt id-direzzjoni tad-Direttur għall-Harsien ta' l-Ambjent u tali korp jew persuna ohra li l-Ministru responsabbli għall-ambjent jista' b'ordni fil-Gazzetta jippreskrivi u korpi jew persuni differenti jistghu jiġu hekk imsemmija bħala l-awtorità kompetenti għal disposizzjonijiet differenti u għal għanijiet differenti ta' dawn ir-regolamenti;

“impjant eżistenti” tfisser impjant industrijali li jkun qed jahdem fid-data ta' dhul fis-sehh ta' dawn ir-regolamenti;

“impjant ġdid” tfisser:

(a) impjant industrijali li beda jahdem wara d-data tad-dhul fis-sehh ta' dawn ir-regolamenti;

(b) impjant industrijali eżistenti li l-kapaċità tiegħu għall-elettrolisi ta' kloruri ta' l-alkali permezz taċ-ċelluli tal-merkurju tkun ġiet miżjuda sostanzjalment wara d-data tad-dhul fis-sehh ta' dawn ir-regolamenti;

“impjant industrijali” tfisser impjant li fih il-kloruri ta' l-alkali jiġu elettrolizzati permezz taċ-ċelluli tal-merkurju;

“limitu ta' valuri” tfisser il-valuri speċifikati f'Anness I;

“merkurju” tfisser:

(a) il-merkurju bħala element kimiku;

(b) il-merkurju li jinsab f'xi wiehed mill-komposti tiegħu;

“objettivi ta' kwalità” tfisser il-htigijiet stabbiliti f'Anness II;

(2) Dawn ir-regolamenti japplikaw għall-ilma msemmi f'regolament 2(2) tar-Regolamenti ta' l-2001 dwar Tniġġis Kaġunat minn ċerti Sustanzi Perikolużi Mormija fl-Ambjent ta' l-Ilma, hliel għall-ilma ta' taht l-art.

Limitu ta' valur
għar-rimi ta'
merkurju.

3. (1) Il-limitu ta' valuri, il-perjodi ta' żmien li fih għandhom jiġu osservati u l-proċedura għal sorveljar ta' rimi huma daww stabbiliti f'Anness I.

(2) L-awtorizzazzjonijiet imsemmija f'regolament 4 tar-Regolamenti ta' l-2001 dwar Tniġġis Kaġunat minn ċerti Sustanzi Perikolużi Mormija fl-Ambjent ta' l-Ilma, għandu jkollhom disposizzjonijiet li jkunu mill-anqas iebsin daww f'Anness I ma' dawn ir-regolamenti, hliel fil-każijiet fejn l-awtorità kompetenti tkun qed tosserva s-subregolament (3) ta' regolament 7 tar-Regolamenti ta' l-2001 dwar Tniġġis Kaġunat minn ċerti Sustanzi Perikolużi Mormija fl-Ambjent ta' l-Ilma, abbażi ta' Annessi II u IV ta' dawn ir-regolamenti. L-awtorizzazzjonijiet għandhom jiġu riveduti ta' mill-anqas kull erba' snin.

(3) Mingħajr preġudizzju għall-obbligi li johorgu mis-subregolamenti (1) u (2) ta' dan ir-regolament u għad-disposizzjonijiet

tar-Regolamenti ta' l-2001 dwar Tnigġis Kaġunat minn ċerti Sustanzi Perikolużi Mormija fl-Ambjent ta' l-Ilma, l-awtorità kompetenti tista' tagħti liċenza għall-impjanti godda biss jekk dik il-liċenza jkun fiha referenza għal *standards* li jikkorrispondu għall-aħjar mezz tekniki disponibbli għall-prevenzjoni tar-rimi ta' merkurju.

(4) L-awtorità kompetenti għandha tuża jew tordna l-użu tal-metodu ta' referenza ta' analiżi għad-determinazzjoni tal-preżenza ta' merkurju kif mogħti f'Anness III. 1 ta' dawn ir-regolamenti. L-awtorità kompetenti tista' fejn ikun xieraq tuża jew tippermetti l-użu ta' metodi oħra, b'dan illi l-limiti ta' kxif, preċiżjoni u eżattezza ta' daww il-metodi għandu jkun mill-anqas tajjeb daqs daww stabbiliti f'Anness III. 1 ta' dawn ir-regolamenti. L-eżattezza meħtieġa fil-kejl ta' nixxiegha effluwenti għandha tkun dik mogħtija f'Anness III. 2 ta' dawn ir-regolamenti.

4. L-awtorità kompetenti għandha tkun responsabbli għas-sorveljar tal-ambjent akkwatiku affettwat mir-rimi industrijali. Fil-każ ta' rimi li jolqot l-ibhra ta' Stati oħra, l-awtorità kompetenti għandha tikkooopera ma' Stati oħra bil-għan li jiġu armonizzati l-proċeduri ta' sorveljar.

Sorveljar tal-ambjent tal-baħar.

5. Persuna tkun haġja ta' reat kontra dawn ir-regolamenti jekk:-

Reati taht dawn ir-regolamenti.

(a) tonqos milli thares xi disposizzjoni ta' xi ordni legittimament mogħtija skond xi disposizzjoni ta' dawn ir-regolamenti; jew

(b) tikser xi restrizzjoni, projbizzjoni jew htiega imposta minn jew taht dawn ir-regolamenti.

6. Min jagħmel reat kontra dawn ir-regolamenti jista', meta jinsab hati, jehel:

Pieni.

(a) meta jinsab hati għall-ewwel darba, multa ta' mhux anqas minn hames mitt lira iżda mhux iżjed minn elf lira;

(b) meta jinsab hati għat-tieni darba jew aktar drabi, multa ta' mhux anqas minn elf lira iżda mhux iżjed minn elfejn lira, jew għal priġunerija għal żmien mhux iżjed minn sentejn, jew għal dik il-multa u priġunerija flimkien:

Iżda meta persuna tinsab haġja li tkun għamlet reat taht dawn ir-regolamenti bl-użu ta' vettura, sid dik il-vettura, meta dan ikun japplika, jkun responsabbli bl-istess mod u fl-istess qies:

Iżda wkoll il-qorti ghandha tordna lil persuna li tkun insabet hatja li ghamlet reat kontra dawn ir-regolamenti thallas għall-ispejjeż imġarrba mill-entitajiet pubbliċi u/jew persuni ohra mqabbda minnhom involuti fl-implimentazzjoni ta' dawn ir-regolamenti, u biex tigi rranġata l-hsara kkawżata lill-ambjent b'rizultat ta' dak ir-reat, ir-revoka tal-permess mahruġ mill-Pulizija u l-konfiska tal-*corpus delicti*.

Applikabilità tal-Kodiċi Kriminali.
Kap. 9.

7. (1) Id-disposizzjonijiet ta' l-artikolu 23 u s-subartikolu (1) ta' l-artikolu 30 tal-Kodiċi Kriminali għandhom, *mutatis mutandis*, japplikaw għal proċedimenti dwar reati kontra dawn ir-regolamenti, b'dan illi l-iskwalifika milli persuna jkollha jew tikseb liċenza, permess jew awtorità m'għandha f'ebda każ tkun għal inqas minn sena.

(2) Minkejja d-disposizzjonijiet ta' l-artikolu 370 tal-Kodiċi Kriminali, il-proċedimenti dwar reat kontra dawn ir-regolamenti għandhom isiru quddiem il-Qorti tal-Maġistrati (Malta) jew il-Qorti tal-Maġistrati (Għawdex), skond ma jista' jkun il-każ, u għandhom ikunu skond id-disposizzjonijiet tal-Kodiċi Kriminali li jirregolaw il-proċedura quddiem dawk il-qrati bħala qrati ta' ġudikatura kriminali.

(3) Minkejja d-disposizzjonijiet tal-Kodiċi Kriminali, l-Avukat Ġenerali għandu dejjem ikollu dritt ta' appell quddiem il-Qorti ta' Appell Kriminali minn kull sentenza mogħtija mill-Qorti tal-Maġistrati (Malta) jew mill-Qorti tal-Maġistrati (Għawdex) dwar proċedimenti għal xi reat kontra dawn ir-regolamenti.

Lingwa ta' l-Annessi.

8. L-Annessi I sa IV li jinsabu ma' dawn ir-regolamenti qegħdin jiġu ppubblikati fil-lingwa Ingliża flimkien mat-test Ingliż ta' dawn ir-regolamenti.

ANNEX I

**Limit values, time limits by which they must be complied with,
and monitoring procedure for discharges**

1. The limit values expressed in terms of concentration which, in principle, should not be exceeded are set out in the following table.

Unit of measurement	Monthly average limit values not to be exceeded from		Remarks
	the date entry into force of regulations	3 years from the date of entry into force of these regulations	
<i>Recycled brine and lost brine</i> Micrograms of mercury per litre	75	50	Applicable to the total quality of mercury present in all mercury-containing water discharged from the site of the industrial plant

In all cases, limit values expressed as maximum concentrations may not be greater than those expressed as maximum quantities divided by water requirements per tonne of installed chlorine production capacity.

2. However, because the concentration of mercury in effluents depends upon the volume of water involved, which is different for different processes and plants, the limit values expressed in terms of quantity of mercury discharged in relation to installed chlorine production capacity given in the following table shall be observed in all cases.

Unit of measurement	Monthly average limit values not to be exceeded from		Remarks
	the date entry into force of regulations	3 years from the date of entry into force of these regulations	
<i>Recycled brine</i> Grams of mercury per tonne of installed chlorine production capacity	0.5	0.5	Applicable to the mercury present in effluent discharged from the chlorine production unit
	1.5	1.0	Applicable to the total quantity of mercury present in all mercury-containing water discharged from the site of the industrial plant

B 2116

<i>Lost brine</i> Grams of mercury per tonne of installed chlorine production capacity	8.0	5.0	Applicable to the total quantity of mercury present in all mercury-containing water discharged from the site of the industrial plant
---	-----	-----	--

3. The daily average limit values are four times the corresponding monthly average limit values given in points 1 and 2.

4. In order to check whether the discharges comply with the emission standards which have been fixed in accordance with the limit values laid down in this Annex, a monitoring procedure shall be instituted. This procedure shall provide for:

(a) the taking each day of a sample representative of the discharge over a period of 24 hours and the measurement of the mercury concentration of that sample; and

(b) the measurement of the total flow of the discharge over that period.

The quantity of mercury discharged during a month shall be calculated by adding together the quantities of mercury discharged each day during that month. This total shall then be divided by the installed chlorine production capacity.

ANNEX II

Quality objectives

If the competent authority applies the exception provided for in sub-regulation (3) of regulation 7 of regulations relating to pollution caused by certain dangerous substances discharged into the aquatic environment, the emission standards which the competent authority shall establish and ensure are applied, pursuant to regulation 6 of those regulations, shall be fixed so that the appropriate quality objective or objectives from among those listed below is or are complied with in the area affected by discharges of mercury from the chlor-alkali electrolysis industry. The competent authority shall determine the area affected in each case and shall select from among the quality objectives listed in paragraph 1 the objective or objectives that it deems appropriate having regard to the intended use of the area affected, taking account of the fact that the purpose of these regulations is to eliminate all pollution.

1. In order to eliminate pollution as defined in regulations relating to pollution caused by certain dangerous substances discharged into the aquatic environment, and pursuant to regulation 3 of those regulations, the following quality objectives are set:

1.1. The concentration of mercury in a representative sample of fish flesh chosen as an indicator shall not exceed 0.3 mg/kg wet flesh.

1.2. The total concentration of mercury in inland surface waters affected by discharges shall not exceed 1 µg/l as the arithmetic mean of the results obtained over a year.

1.3. The concentration of mercury in solution in estuary waters affected by discharges shall not exceed 0.5 µg/l as the arithmetic mean of the results obtained over a year.

1.4. The concentration of mercury in solution in territorial sea waters and internal coastal waters other than estuary waters affected by discharges shall not exceed 0.3 µg/l as the arithmetic mean of the results obtained over a year.

1.5. The quality of the waters shall be sufficient to comply with the requirements of any other regulations applicable to such waters as regards the presence of mercury.

2. The concentration of mercury in sediments or in shellfish shall not increase significantly with time.

3. Where several quality objectives are applied to waters in an area, the quality of the waters shall be sufficient to meet each of them.

4. The numerical values of the quality objectives specified in 1.2, 1.3 and 1.4 may, as an exception and where this is necessary for technical reasons, be multiplied by 1.5 until 1st January 2003, provided that the Commission has been notified beforehand.

ANNEX III

Reference method of measurement

1. The reference method of analysis for determining the mercury content in waters, the flesh of fish, sediments and shellfish shall be by flameless atomic absorption spectrophotometry after suitable pre-treatment of the sample which takes account in particular of pre-oxidation of the mercury and of successive reduction of the mercury ions Hg (II).

The limits of detection¹ must be such that the mercury concentration can be measured to an accuracy² of $\pm 30\%$ and a precision³ of $\pm 30\%$ at the following concentrations:

(a) in the case of discharges, one tenth of the maximum permitted concentration of mercury specified in the authorization,

(b) in the case of surface water, one tenth of the mercury concentration specified in the quality objective,

(c) in the case of the flesh of fish and shellfish, one tenth of the mercury concentration specified in the quality objective,

(d) in the case of sediments, one tenth of the mercury concentration in the sample or 0.05 mg/kg dry weight, whichever is the greater.

2. Flow measurement shall be carried out to an accuracy of $\pm 20\%$.

¹ The definitions of these terms are as given in the Methods of Measurement and Frequencies of Sampling and Analysis of Surface Water intended for the Abstraction of Drinking Water Regulations, 2000 (still to transpose Directive 79/869/EEC).

² *Ibid.*

³ *Ibid.*

ANNEX IV**Monitoring procedure for quality objectives**

1. For each authorization granted in pursuance of these regulations, the competent authority shall specify the restrictions, the monitoring procedure and deadlines for ensuring compliance with the quality objective or objectives concerned.

2. In accordance with sub-regulation (3) of regulation 7 of regulations relating to pollution caused by certain dangerous substances discharged into the aquatic environment, the competent authority shall report to the Commission for each quality objective chosen and applied, on:

- (a) the points of discharge and the means of dispersal;
- (b) the area in which the quality objective is applied;
- (c) the location of sampling points;
- (d) the frequency of sampling;
- (e) the methods of sampling and of measurement;
- (f) the results obtained.

3. Samples shall be properly representative of the quality of the aquatic environment in the area affected by the discharges, and the frequency of sampling shall be sufficient to show any changes in the aquatic environment, taking into account in particular natural variations in the hydrological regime. The salt-water fish analysis shall be carried out on a sufficiently representative number of samples and species.

4. With regard to the quality objective in 1.1 of Annex II, the competent authority shall choose the species of fish to be adopted as indicators for analysis. For salt waters the species chosen from among those inhabiting coastal waters and caught locally may include cod, whiting, plaice, mackerel, haddock and flounder.

Statement on sub-regulation (3) of regulation 3.

The Council and the Commission state that the application of the best technical means available makes it possible to limit discharges of mercury from the site of a new industrial plant using the recycled-brine process to less than 0.5 g/tonne of installed chlorine production capacity.