

A.L. 221 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 ghar-Rimi ta' Kadmju

BIS-SAHHA tas-setghat moghtija bl-artikoli 3, 9, 11 u 28 ta' l-Att ta' l-2001 dwar il-Harsien ta' l-Ambjent, il-Ministru ta' l-Ambjent ghamel 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 ghar-Rimi ta' Kadmju. Titolu u bidu fis-sehh.

(2) Dawn ir-regolamenti ghandhom jidhlu fis-sehh f'dik id-data li l-Ministru responsabbli għall-ambjent jista' b'avviż fil-Gazzetta jistabbilixxi, u jistghu jigu hekk stabbiliti dati differenti 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 jkunu jidhru lill-Ministru li jkunu mehtieġa jew spedjenti in konnessjoni mad-disposizzjonijiet li jkunu qed jingiebu fis-sehh.

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

“awtorità kompetenti” tfisser id-Dipartiment għall-Harsien ta' l-Ambjent taht 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 jigu hekk imsemmija bħala l-awtorità kompetenti għal disposizzjonijiet differenti u għal għanijiet differenti ta' dawn ir-regolamenti;

“manigġ ta’ kadmju” tfisser kull proċess industrijali li jinvolvi l-użu jew il-produzzjoni ta’ kadmju, jew kull proċess ieħor li fih il-preżenza ta’ kadmju hija inerenti;

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

“impjant gdid” tfisser:

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

(b) impjant industrijali eżistenti li l-kapaċità tiegħu ta’ pproċessar tal-kadmju tkun żdiedet sostanzjalment wara d-data tad-dhul fis-seħh ta’ dawn ir-regolamenti;

“impjant industrijali” tfisser impjant fejn il-kadmju jew sustanza li jkun fiha l-kadmju jkunu qed jiġu manigġati;

“kadmju” tfisser:

(a) il- kadmju, bħala element kimiku;

(b) il-kadmju li jinsab f’kull wieħed mill-komposti tiegħu;

“limitu ta’ valuri” tfisser il-valuri speċifikati fl-Anness I ma’ dawn ir-regolamenti;

“objettivi ta’ kwalità” tfisser il-htigijiet speċifikati fl-Anness II ma’ dawn ir-regolamenti;

(2) Dawn ir-regolamenti japplikaw għall-ilma msemmi fir-regolament 2(2) tar-Regolamenti ta’ l-2001 dwar Tnigġis Kaġunat minn Ċerti Sustanzi Perikolużi Mormija fl-Ambjent ta’ l-Ilma, hliet għall-ilma ta’ taht l-art.

Limitu ta’ valuri
ghar-rimi ta’
kadmju.

3. (1) Il-limitu ta’ valuri, l-perjodi ta’ żmien sa meta għandhom jitharsu u l-proċeduri għas-sorveljar tar-rimi huma stabbifiti fl-Anness I ma’ dawn ir-regolamenti.

(2) Il-limitu ta’ valuri għandu normalment japplika fil-post fejn l-ilma mormi li jkun fih il-kadmju jiskula mill-impjant industrijali. Meta l-ilma mormi li jkun fih il-kadmju jiġi ttrattat barra mill-impjant industrijali f’impjant ta’ trattament li jkun intiz għat-tnehhija tal-kadmju, l-awtorità kompetenti tista’ tippermetti li l-limitu ta’ valuri jiġi applikat sal-post fejn l-ilma mormi jiskula mill-impjant ta’ trattament.

(3) L-awtorizzazzjonijiet imsemmija fir-regolament 4 tar-Regolamenti ta' l-2001 dwar Tniġġis Kaġunat minn ċerti Sustanzi Perikolużi Mormija fl-Ambjent ta' l-Ilma, għandu jkun fihom disposizzjonijiet li jkunu mill-inqas iebesin daqs dawk stabbiliti fl-Anness I għal dawn ir-regolamenti, hlief fejn l-awtorità kompetenti tkun konformi mar-regolament 7(3) tar-Regolamenti ta' l-2001 dwar Tniġġis Kaġunat minn Ċerti Sustanzi Perikolużi Mormija fl-Ambjent ta' l-Ilma, abbażi ta' Annessi II u IV ma' dawn ir-regolamenti. L-awtorizzazzjonijiet għandhom mill-anqas jiġu riveduti kull erba' snin.

(4) Mingħajr preġudizzju għall-obbligi li għandhom u li joriginaw mis-sub-regolamenti (1), (2) u (3) ta' dan ir-regolament u għar-Regolamenti ta' l-2001 dwar Tniġġis Kaġunat minn Ċerti Sustanzi Perikolużi Mormija fl-Ambjent ta' l-Ilma, l-awtorità kompetenti tista' tagħti awtorizzazzjonijiet għal impjanti godda biss jekk dawk l-impjanti japplikaw *standards* li jikkorrispondu għall-aħjar mezzi tekniċi disponnibli meta dan ikun neċessarju għall-eliminazzjoni tat-tniġġis skond ir-regolament 3 ta' l-imsemmija regolamenti jew għall-prevenzjoni ta' tagħwiġ fil-kompetizzjoni.

(5) Il-metodu ta' referenza ta' analiżi li għandu jintuża biex tiġi determinata l-preżenza ta' kadmju hija mogħtija fl-Anness III (1). Metodi oħra jistghu jintużaw sakemm il-limiti ta' kxi, preċizjoni u eżattezza ta' dawn il-metodi ikunu mill-inqas tajbin daqs dawk stabbiliti fl-Anness III (1). L-eżattezza meħtieġa fit-tikjil ta' nixxiegha effluwenti tinsab fl-Anness III (2).

4. L-awtorità kompetenti tkun responsabbli għas-sorveljar ta' l-ambjent ta' l-ilma li jintlaqtu mir-rimi minn stabbilimenti industrijali. Fil-każ ta' rimi li jolqot l-ibhra ta' Malta jew dak ta' pajjiżi oħra, l-awtorità kompetenti f'Malta u barra minn Malta involuta għandha tikkoopera ma' l-awtoritajiet kompetenti l-oħra bil-ghan li jkun hemm armonizzazzjoni tal-proċeduri ta' sorveljar.

Sorveljar ta' l-ambjent ta' l-ilma.

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

Reati taht dawn ir-regolamenti.

(a) tonqos milli thares 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:

Piená

(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 hatja 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 għandha tordna lil persuna li tkun insabet hatja li għamlet reat kontra dawn ir-regolamenti thallas għall-ispejjeż imġarrba mill-entitajiet pubbliċi u/jew persuni ohra mqabbdha minnhom involuti fl-implimentazzjoni ta' dawn ir-regolamenti, u biex tiġi rrangata l-hsara kkawżata lill-ambjent b'rizultat ta' dak ir-reat, ir-revoka tal-permess mahrug 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-Magistrati (Malta) jew il-Qorti tal-Magistrati (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-Magistrati (Malta) jew mill-Qorti tal-Magistrati (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 fixed for compliance with these values and
monitoring procedures to be applied to discharges**

1. Limit values and time limits

Industrial sector	Unit of measurement	Limit values which shall be complied with	
		on the entry into force of these regulations	three years after the entry into force of these regulations
1. Zinc mining, lead and zinc refining, cadmium metal and non-ferrous metal industry	Milligrams of cadmium per litre of discharge	0,3	0,2
2. Manufacture of cadmium compounds	Milligrams of cadmium per litre of discharge	0,5	0,2
	Grams of cadmium discharged per kilogram of cadmium handled	0,5	
3. Manufacture of pigments	Milligrams of cadmium per litre of discharge	0,5	0,2
	Grams of cadmium discharged per kilogram of cadmium handled	0,3	
4. Manufacture of stabilizers	Milligrams of cadmium per litre of discharge	0,5	0,2
	Grams of cadmium discharged per kilogram of cadmium handled	0,5	
5. Manufacture of primary and secondary batteries	Milligrams of cadmium per litre of discharge	0,5	0,2
	Grams of cadmium discharged per kilogram of cadmium handled	1,5	
6. Electroplating	Milligrams of cadmium per litre of discharge	0,5	0,2
	Grams of cadmium discharged per kilogram of cadmium handled	0,3	
7. Manufacture of phosphoric acid or phosphatic fertilizer from phosphatic rock		-	-

2. Limit values expressed as concentrations which in principle shall not be exceeded are given in the above table for the industrial sectors in articles 2, 3, 4, 5 and 6. In no instance may limit values expressed as maximum concentrations be greater than those expressed as maximum quantities divided by water requirements per kilogram of cadmium handled. However, because the concentration of cadmium in effluents depends on the volume of water involved, which differs for different processes and plants, the limit values, expressed in terms of the quantity of cadmium discharged in relation to the quantity of cadmium handled, given in the above table shall be complied with in all cases.
3. The daily average limit values shall be twice the corresponding monthly average limit values given in the above table.
4. A monitoring procedure shall be instituted 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. This procedure shall provide for the taking and analysis of samples and for measurement of the flow of the discharge and the quantity of cadmium handled. Should the quantity of cadmium handled be impossible to determine, the monitoring procedure may be based on the quantity of cadmium that may be used in the light of the production capacity on which the authorization was based.
5. A sample representative of the discharge over a period of 24 hours shall be taken. The quantity of cadmium discharged over a month shall be calculated on the basis of the daily quantities of cadmium discharged. However, a simplified monitoring procedure may be instituted in the case of industrial plants which do not discharge more than 10 kg of cadmium per annum. In the case of industrial electroplating plants, a simplified monitoring procedure may only be instituted if the total volume of the electroplating tanks is less than 1,5 m³.

ANNEX II

Quality objectives

If the competent authority applies the exception referred to in sub-regulation (3) of regulation 7 of the Pollution Caused by Certain Dangerous Substances Discharged into the Aquatic Environment Regulations, 2001, 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 cadmium. 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, while taking account of the fact that the purpose of these regulations is to eliminate all pollution.

1. The following quality objectives, which shall be measured sufficiently close to the point of discharge, are fixed, with the object of eliminating pollution within the meaning of the Pollution Caused by Certain Dangerous Substances Discharged into the Aquatic Environment Regulations, 2001 and pursuant to regulation 3 of those regulations:

1.1. The total cadmium concentration in inland surface waters affected by discharges shall not exceed 5 µg/litre.

1.2. The concentration of dissolved cadmium in territorial waters and in internal coastal waters other than estuary waters affected by discharges shall not exceed 2,5 µg/litre.

1.3. In the case of waters used for the abstraction of drinking water, the cadmium content shall conform to the requirements of the Quality Required of Surface Water Intended for the Abstraction of Drinking Water Regulations, 2001.

2. In addition to the above requirements, cadmium concentrations shall be determined by the national network referred to in Article 5 and the results compared with the following concentrations

2.1. In the case of inland surface waters, a total cadmium concentration of 1 µg/litre.

2.2. In the case of estuary waters, a dissolved cadmium concentration of 1 µg/litre.

2.3. In the case of territorial and internal coastal waters, other than estuary waters, a dissolved cadmium concentration of 0,5 µg/litre.

If these concentrations are not complied with at any one of the points on the national network, the reasons must be reported to the Commission.

3. The concentration of cadmium in sediments or shellfish, if possible of the species *Mytilus edulis*, shall not increase significantly with time.

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4. Where several quality objectives are supplied to waters in an area, the quality of the waters shall be sufficient to comply with each of those objectives.

ANNEX III

Reference methods of measurement

1. The reference method of analysis used for determining the cadmium content of waters, sediments and shellfish is atomic absorption spectrophotometry after preservation and suitable treatment of the sample.

The limits of detection shall be such that the cadmium concentration can be measured to an accuracy of $\pm 30\%$ and a precision of $\pm 30\%$ at the following concentrations:

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

(b) in the case of surface water, $0,1\ \mu\text{g/litre}$ or one-tenth of the cadmium concentration specified in the quality objective, whichever is the greater,

(c) in the case of shellfish, $0,1\ \text{mg/kg}$, wet weight,

(d) in the case of sediments, one-tenth of the cadmium concentration in the sample or $0,1\ \text{mg/kg}$, dry weight, with drying being carried out between 105 and $110\ ^\circ\text{C}$ at constant weight, whichever value is the greater.

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

ANNEX IV

Monitoring procedure for quality objectives

1. For each authorization granted in pursuance of these regulations, the competent authority shall specify the restrictions, monitoring procedure and time limits for ensuring compliance with the quality objective(s) concerned.
2. In accordance with sub-regulation (3) of regulation 7 of the Pollution Caused by Certain Dangerous Substances Discharged into the Aquatic Environment Regulations, 2001, the competent authority shall, for each quality objective chosen and applied, report to the Commission, 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 measurement,
 - (f) the results obtained.
3. Samples shall be sufficiently 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.