
**PUBLIC HEALTH (URBAN WASTE WATER COLLECTION AND
TREATMENT) REGULATIONS 1999**

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**Subsidiary
1999/065**

Regulations made under s. 5(3).

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(L.N. 1999/065)

10.6.1999

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Title.

1. These Regulations may be cited as the Public Health (Urban Waste Water Collection and Treatment) Regulations 1999.

Interpretation.

2. In these Regulations, unless the context shall otherwise require—

“the Authority” means the Chief Environmental Health Officer or such other competent body as may be appointed by the Government for the purposes of these Regulations;

“coastal waters” means the waters outside the low water line;

“collecting system” means a system of conduits which collects and conducts urban waste water;

“the Directive” means Council Directive 91/271/EEC concerning urban waste water treatment as amended by Commission Directive 98/15/EC

“domestic waste water” means waste water from residential settlements and services which originates predominantly from the human metabolism and from household activities;

“eutrophication” means the enrichment of water by nutrients, especially compounds of nitrogen and/or phosphorus, causing an accelerated growth of algae or higher forms of plant life to produce an undesirable disturbance to the balance of organisms present in the water and to the quality of the water concerned;

“industrial waste water” means any waste water which is discharged from premises used for carrying on any trade or industry, other than domestic waste water and run-off rain water;

“less sensitive area” has the meaning given to that expression in regulation 3;

“Minister” means the Minister with responsibility for transport;

“1 p. e. (population equivalent)” means the organic biodegradable load having a five-day biochemical oxygen demand (BOD5) of 60g of oxygen per day (the load being calculated on the basis of the

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maximum average weekly load entering a treatment system during the year, excluding unusual situations such as those due to heavy rain);

“plans” means plans drawn up by the Minister in accordance with regulation 3;

“primary treatment” means treatment of urban waste waters by a physical or chemical process involving settlement of suspended solids, or other processes in which BOD5 of the incoming waste water is reduced by at least 20 per cent before discharge and the total suspended solids of the incoming waste water are reduced by at least 50 per cent;

“secondary treatment” means treatment of urban waste water by a process generally involving biological treatment with a secondary settlement or other process in which the requirements established in Table 1 of Schedule 1 are respected;

“sensitive area” has the meaning given to that expression in regulation 3;

“sludge” means residual sludge, whether treated or untreated, from an urban waste water treatment system;

“urban waste water” means domestic waste water or the mixture of domestic waste water with industrial waste water or run-off rain water,

and other expressions used in these Regulations but not defined have the same meaning as in the Directive.

Sensitive areas and less sensitive areas.

3.(1) In these Regulations—

- (a) “sensitive area” means an area of water which the Minister has identified in accordance with the criteria set out in Part I of Schedule 2,
- (b) “less sensitive area” means an area of water which the Minister has identified in accordance with the criteria set out in Part II of Schedule 2,

and which is shown as such on plans.

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(2) The Minister shall review the identification of sensitive and less sensitive areas, in accordance with the relevant criteria in Schedule 2, no later than 31st December 2001 and thereafter at intervals of no more than four years.

(3) Where, following a review under sub-regulation (2), an area of water becomes or ceases to be identified as a sensitive area or a less sensitive area the Minister shall substitute for the plans a new plan for the purposes of this regulation, and such further plans as may be necessary to reflect the changes in identification.

Collecting and treatment systems.

4.(1) This regulation supplements the duty imposed on the Government by section 5 of the principal Act and any contravention of the requirements of this regulation shall be treated for the purposes of the principal Act as a breach of that duty.

(2) The duty imposed by section 5 of the principal Act shall include a duty to ensure that collecting systems which satisfy the requirements of Schedule 3 are provided by 31st December 2000.

(3) Sub-regulation (2) shall not apply where either—

- (a) the Authority has certified that the establishment of a collecting system is not justified because it would produce no environmental benefit; or
- (b) the Minister has certified that the establishment of a collecting system is not justified because it would involve excessive cost,

and individual systems or other appropriate systems are provided and the Authority has certified that those systems achieve the same level of environmental protection.

(4) The duty imposed by section 5 of the principal Act shall include a duty to ensure that urban waste water entering a collecting system is, before discharge, subject to treatment provided in accordance with regulation 5, and to ensure that—

- (a) treatment systems introduced to comply with that regulation are designed (account being taken of seasonal variations of the

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- load), constructed, operated and maintained to ensure sufficient performance under all normal climatic conditions;
- (b) treated waste water and any sludge arising from waste water treatment are re-used wherever appropriate;
 - (c) disposal routes for treated waste water and sludge minimise the adverse effect on the environment.

Requirements as to provision of treatment.

5.(1) Subject to sub-regulations (2) and (3) the Government shall ensure that waste water entering a collecting system shall before discharge be subject to secondary treatment or an equivalent treatment such that the discharge shall satisfy the relevant requirements of Schedule 1 by 31st December 2000 or, in an exceptional case, such later date (not being later than 31st December 2005) as the Commission may agree pursuant to a request to it by the Secretary of State under Article 8(1) of the Directive.

(2) If after investigations the Minister is of the opinion that the discharge is into a sensitive area, or into the catchment area of a sensitive area and contributes to the pollution of that area, the provisions of Schedule 1 applicable to discharge into a sensitive area shall be satisfied immediately unless it can be shown that in the course of passage through a collecting system and before discharge the minimum percentage of reduction of the overall load is at least 75% for total phosphorous and at least 75% for total nitrogen.

(3) Discharges of urban waste water which are into a less sensitive area may be subjected to less stringent treatment than that described in sub-regulation (1) so long as—

- (a) the discharges receive at least primary treatment in conformity with the control procedures set out in Schedule 4 (reference methods for monitoring and evaluation of results), and
- (b) the Minister is satisfied that comprehensive studies have indicated that such discharges will not adversely affect the environment.

(4) The Minister shall provide the Governor with such information concerning the studies mentioned in sub-regulation (3) as the Secretary of State may require for the purpose of enabling him to comply with Article 6(2) of the Directive.

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(5) Where, following a review of the identification of waters as sensitive areas or less sensitive areas under regulation 3, an area ceases to be identified as a less sensitive area or becomes identified as a sensitive area, then as respects that area, sub-regulation (1) or, as the case may be, sub-regulation (2) shall have effect as if the date specified in that sub-regulation were the seventh anniversary of the change of identification, or, if later, the date so specified.

Discharge of treated urban waste water.

6.(1) Discharges from an urban waste water treatment system required by regulation 4 shall satisfy the relevant requirements of Schedule 1.

(2) The Authority shall secure—

- (a) with respect of any such discharge as is described in sub-regulation (1), that the requirements of that sub-regulation are satisfied;
- (b) with respect to any discharge from a collecting system or a treatment system described in regulation 5, the limitation of pollution of receiving waters due to storm water overflows;
- (c) with respect to the discharge of sludge to surface waters by dumping by ships, by pipelines or by other means, that the total amount of toxic, persistent or bioaccumulable materials in sludge is authorised by the Authority under the provisions of regulation 12 for disposal and is progressively reduced.

Discharges of industrial waste water to a collecting system and a treatment system.

7.(1) No industrial waste water shall be discharged into a collecting system or a treatment system except under and in accordance with an authorisation issued by the Authority under the provisions of regulation 12.

(2) The Authority shall not issue an authorisation permitting the discharge of industrial waste water into a collecting system or a treatment system unless it is satisfied that the requirements of Schedule 5 are met and will continue to be met in respect of the discharge or discharges permitted by the authorisation.

Discharges of certain industrial waste water into receiving waters.

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8.(1) Any discharge of biodegradable waste water from plants belonging to the industrial sectors listed in Schedule 6 and which represents 4,000 p. e. or more and which does not enter a treatment system before discharging into receiving waters shall by 31st December 2000 be made only under and in accordance with an authorisation issued for this purpose by the Authority in accordance with this regulation and under the provisions of regulation 12.

(2) The Authority shall not issue an authorisation for the purposes of sub-regulation (1) unless it is satisfied that the discharge has been subject to appropriate treatment.

(3) Any authorisation issued by the Authority shall contain conditions which are appropriate to the nature of the industry concerned for the discharge of such waste water.

(4) For the purposes of this regulation “appropriate treatment” means treatment of the discharge by any process and/or disposal system which after discharge allows the receiving waters to meet the relevant quality objectives and relevant provisions of the Directive and other Community Directives.

Requirement to notify another member State and the Commission.

9.(1) If the Governor considers that British territorial waters adjacent to Gibraltar are adversely affected by discharges of urban waste water from another member State he shall notify, for purposes of invoking Article 9 of the Directive,—

- (a) that member State, and
- (b) the Commission.

(2) Where the Governor –

- (a) notifies in accordance with sub-regulation (1); or
- (b) is notified by another member State in accordance with Article 9 of the Directive,

he shall, together with that other member State, and where appropriate with the Commission, organise the concertation necessary to identify the discharges in question and the measures to be taken at source to protect the waters that are affected in order to ensure conformity with the provisions of the Directive.

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Monitoring.

10.(1) The Authority shall—

- (a) monitor or procure the monitoring by an appropriate person of discharges from an urban waste water treatment system to verify compliance with the relevant requirements of Schedule 1 in accordance with the control procedures set out in Schedule 4;
- (b) monitor or procure the monitoring by an appropriate person of amounts and composition of sludges disposed of to surface waters;
- (c) monitor or procure the monitoring by an appropriate person of waters subject to discharges from an urban waste water treatment system and direct discharges as described in regulation 8 in cases where it can be expected that the receiving environment will be significantly affected;
- (d) carry out or procure the carrying out by an appropriate person of monitoring and any other relevant studies to verify that discharges to which regulation 5(3) applies and the disposal of sludge to surface waters do not adversely affect the environment.

(2) Information collected by or on behalf of the Authority in complying with the requirements of sub-regulation (1) shall be retained by the Authority and where a request in respect of any of that information has been received from the Commission the Authority shall make available to the Governor the requested information in sufficient time to enable the Governor to supply that information to the Commission within six months of the receipt of the request from the Commission.

(3) The provisions of sub-regulations (3) to (6) of regulation 12, with the substitution of references to monitoring for the references to an application, shall apply to monitoring required by paragraph (b) or (c) of sub-regulation (1) where the sludge or discharge is one in respect of which an authorisation is required by these Regulations and the fees thereby due may be recovered by the Authority as a civil debt and where such debt is not paid any authorisation issued under these Regulations to the person owing the fee shall be withdrawn.

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Information.

11.(1) The Minister shall on 1 June 2001 and every two years thereafter publish or cause to be published situation reports on the disposal of urban waste water and sludge in Gibraltar, including the plans drawn up by the Minister in accordance with regulation 3.

(2) The Governor shall send a copy of such reports to the Secretary of State to enable him to comply with the obligations of Articles 16 and 17 of the Directive.

Authorisation.

12.(1) An application for an authorisation required by regulation 6, 7, or 8 shall be made to the Authority in the form prescribed by the Authority prior to the discharge and shall contain information necessary for the Authority to determine whether the discharge may be authorised.

(2) The Authority may require from a person making an application under these Regulations such further information as in the opinion of the Authority is necessary for it properly to evaluate the application and in the absence of such further information the Authority shall not be required to consider the application.

(3) Where the Authority incurs costs in evaluating the information to determine whether or not to issue an authorisation it may charge a fee to the applicant, such fee to be determined in accordance with the provisions of this regulation.

(4) The fee referred to in sub-regulation (3) shall not exceed the sum of the costs reasonably incurred by the Authority and where the costs are incurred in respect of more than one applicant, the fee to be charged to each applicant shall be the total cost divided by the number of applicants in respect of whose applications the costs have been incurred, taking into account the nature of the proposed discharge in respect of which each application is made.

(5) Where in the opinion of the Authority, the Authority can properly evaluate an application only by engaging specialists or consultants the cost of such specialists or consultants shall be included in the fee payable under this regulation.

(6) The Authority may determine the cost of employing an officer, including a public officer, for any period on work appropriate to his grade

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by reference to the average cost to it of employing officers of that grade for that period.

(7) The Authority shall, at the time it receives an application, make an estimate to the applicant of the fee to be paid by the applicant and the applicant shall pay the estimated amount, and in the absence of such payment the Authority shall not be required to consider the application.

(8) When the Authority has completed the work necessary to evaluate the application it shall prepare and give the applicant a detailed statement of the work done and the costs incurred and—

- (a) where the amount so calculated exceeds the amount paid under sub-regulation (7), the applicant shall pay the additional amount and the Authority shall not be required to issue an authorisation until such amount has been paid; or
- (b) where the amount so calculated is less than the amount paid under sub-regulation (7), the Authority shall refund to the applicant the amount of the excess.

(9) An authorisation issued under this Regulation for the purpose of regulation 6, 7, or 8 may be subject to such condition or conditions as the Authority determines for the purpose of ensuring compliance with the Directive and may specify the period of the authorisation or the amount of sludge which may be disposed of or the number of discharges authorised.

(10) No authorisation shall be issued under this regulation unless the Authority is satisfied that the person disposing of the sludge or suffering or permitting the disposal of the sludge or discharging or suffering or permitting the discharge is able to comply with the terms and conditions of the authorisation.

(11) If it appears to the Authority that the terms and conditions of an authorisation are not being met, the Authority shall —

- (a) by notice require the person to whom the authorisation was issued or by whom the sludge is being disposed of or the discharge is being made to take such steps as in the opinion of the Authority are necessary to ensure compliance with the Directive;

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- (b) if in the opinion of the Authority it is necessary, issue a notice to that person or persons prohibiting the disposing of the sludge or the discharge; and
- (c) advise the Minister of the action taken and the reasons for that action.

(12) The provisions of section 330 of the principal Act shall apply in relation to any notice given under sub-regulation (11) as if the references in that section to the Government were references to the Authority.

Offences.

13. A person who by virtue of these Regulations requires an authorisation and who disposes of sludge or makes a discharge other than under such an authorisation or other than in compliance with the conditions of such an authorisation or in contravention of a notice issued under regulation 12(11) shall be guilty of an offence punishable on summary conviction by a fine at level three on the standard scale.

Offences by corporations etc.

14.(1) Where an offence under regulation 13 which has been committed by a body corporate is proved to have been committed with the consent or connivance of, or to have been attributable to any neglect on the part of, a director, manager, secretary or other similar officer of the body corporate, or any other person purporting to act in any such capacity, he, as well as the body corporate, shall be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

(2) Where the affairs of a body corporate are managed by its members, sub-regulation (1) shall apply in relation to the acts or defaults of a member in connection with his functions of management as if he were a director of the body corporate.

(3) A fine imposed on an unincorporated association on its conviction for an offence shall be paid out of the funds of the association.

(4) Where an offence against these Regulations committed by a partnership is proved to have been committed with the consent or connivance of, or to have been attributable to any neglect on the part of a partner, he as well as the partnership is guilty of the offence and liable to be proceeded against and punished accordingly.

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Defences.

15. In any proceedings for an offence under regulation 13 it shall be a defence for the person charged to prove that he took all reasonable steps and exercised all due diligence to avoid the commission of the offence.

Revocation.

16. The Public Health (Urban Waste Water Collection and Treatment) (Amendment) Regulations 1999 (Legal Notice 20 of 1999) are revoked.

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SCHEDULE 1

Regulations 2, 5 and 6

**DISCHARGE FROM AN URBAN WASTE WATER TREATMENT
SYSTEM TO RECEIVING WATERS**

1. Waste water treatment systems shall be designed or modified so that representative samples of the incoming waste water and of treated effluent can be obtained before discharge to receiving waters.
2. Where regulation 5(1) applies, the discharge from an urban waste water system shall, subject to paragraphs 4 and 5, meet the requirements of Table 1.
3. Where regulation 5(2) applies, the discharges from an urban waste water system to those sensitive areas which are subject to eutrophication shall, subject to paragraphs 4 and 5, in addition to meeting the requirements of Table 1 meet the requirements of Table 2.
4. Requirements more stringent than those shown in Table 1 and/or Table 2 shall be applied where required to ensure that the receiving waters satisfy any other relevant Directives.
5. The points of discharge of urban waste water shall be chosen, as far as possible, so as to minimise the effects on receiving waters.

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TABLE 1

REQUIREMENTS FOR DISCHARGES FROM URBAN WASTE WATER TREATMENT SYSTEMS SUBJECT TO SUB-REGULATIONS (1) AND (2) OF REGULATION 5

The values for concentration or for the percentage of reduction shall apply.

Parameters	Concentration	Minimum percentage of reduction ¹	Reference method of measurement
Biochemical oxygen demand (BOD ₅ at 20°C) without nitrification ²	25mg/l O ₂	70-90	Homogenized, unfiltered, undecanted sample. Determination of dissolved oxygen before and after five-day incubation at 20°C ± 1°C in complete darkness. Addition of a nitrification inhibitor
Chemical oxygen demand (COD)	125mg/l O ₂	75	Homogenised, unfiltered, undecanted sample Potassium dichromate
Total suspended solids	35mg/l ³	90 ³	Filtering of a representative sample through a 0.45µm filter membrane. Drying at 105°C and weighing. Centrifuging of a representative sample (for at least five mins with mean acceleration of 2,800 to 3,200g), drying at 105°C and weighing.

¹ Reduction in relation to the load of the influent.

² The parameter can be replaced by another parameter: total organic carbon (TOC) or total oxygen demand (TOD) if a relationship can be established between BOD₅ and the substitute parameter.

³ This requirement is optional.

Analyses concerning discharges from lagooning shall be carried out on filtered samples; however, the concentration of total suspended solids in unfiltered water samples shall not exceed 150mg/l.

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TABLE 2**REQUIREMENTS FOR DISCHARGES FROM URBAN WASTE
WATER TREATMENT PLANTS TO SENSITIVE AREAS WHICH
ARE SUBJECT TO EUTROPHICATION AS IDENTIFIED IN PART
1(A) OF SCHEDULE 2.**

One or both parameters may be applied depending on the local situation. The values for concentration or for the percentage of reduction shall apply.

Parameters	Concentration	Minimum percentage of reduction ⁽¹⁾	Reference method of measurement
Total phosphorus	2 mg/l (10,000-100,000 p.e.) 1 mg/l (more than 100,000 p.e.)	80	Molecular absorption spectrophotometry
Total nitrogen ⁽²⁾	15 mg/l (10,000-100,000 p.e.) ⁽³⁾ 10 mg/l (more than 100,000 p.e.) ⁽³⁾	70-80	Molecular absorption spectrophotometry

⁽¹⁾ Reduction in relation to the load of the influent.

⁽²⁾ Total nitrogen means the sum of total Kjeldahl nitrogen (organic and ammoniacal nitrogen) nitrate-nitrogen and nitrite-nitrogen.

⁽³⁾ These values for concentration are annual means as referred to in paragraph 4(c) of Schedule 4. However, the requirements for nitrogen may be checked using daily averages when it is proved, in accordance with paragraph 1 of Schedule 4, that the same level of protection is obtained. In this case, the daily average must not exceed 20 mg/l of total nitrogen for all the samples when the temperature from the effluent in the biological reactor is superior or equal to 12°C. The conditions concerning temperature could be replaced by a limitation on the time of operation to take account of regional climatic conditions.

SCHEDULE 2

Regulation 3

CRITERIA FOR IDENTIFICATION OF SENSITIVE AND LESS SENSITIVE AREAS

PART I

SENSITIVE AREAS

Water shall be identified as a sensitive area if it falls into one of the following-

- (a) coastal waters which are found to be eutrophic or which in the near future may become eutrophic if protective action is not taken.

The following elements might be taken into account when considering which nutrient should be reduced by further treatment —

Bays and other coastal waters which are found to have a poor water exchange, or which receive large quantities of nutrients. Discharges from small agglomerations are usually of minor importance in those areas, but for large agglomerations, the removal of phosphorus and/or nitrogen should be carried out unless it can be demonstrated that the removal will have no effect on the level of eutrophication;

- (b) areas where further treatment than that prescribed in Article 4 of the Directive is necessary to fulfill other Council Directives.

PART II

LESS SENSITIVE AREAS

Marine water may be identified as a less sensitive area if the discharge of waste water does not adversely affect the environment as a result of morphology, hydrology or specific hydraulic conditions which exist in that area.

When identifying less sensitive areas, account shall be taken of the risk that the discharged load may be transferred to adjacent areas where it can cause

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detrimental environmental effects. The presence of sensitive areas outside Gibraltar shall be taken into consideration.

The following elements shall be taken into consideration when identifying less sensitive areas —

open bays and other coastal waters with a good water exchange and not subject to eutrophication or oxygen depletion or which are considered unlikely to become eutrophic or to develop oxygen depletion due to the discharge of urban waste water.

SCHEDULE 3

Regulation 4

**REQUIREMENTS FOR URBAN WASTE WATER
COLLECTING SYSTEMS**

Collecting systems shall take into account waste water treatment requirements.

The design, construction and maintenance of collecting systems shall be undertaken in accordance with the best technical knowledge not entailing excessive costs notably regarding—

- (a) volume and characteristics of waste water,
- (b) prevention of leaks, and
- (c) limitation of pollution of receiving waters due to storm waters overflows.

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SCHEDULE 4

Regulation 5

**REFERENCE METHODS FOR MONITORING AND EVALUATING
RESULTS**

1. The monitoring method shall correspond at least with the level of requirements described below.

Alternative methods to those mentioned in paragraph 2, 3 and 4 may be used provided that it can be demonstrated that equivalent results are obtained.

The Authority shall provide to the Governor for onward transmission to the Commission all relevant information concerning the applied method.

2. Flow-proportional or time-based 24-hour samples shall be collected at the same well-defined point in the outlet and if necessary in the inlet of a treatment system in order to monitor compliance with the requirements for discharged waste water laid down in the Directive.

Good international laboratory practices aiming at minimizing the degradation of samples between collection and analysis shall be adopted.

3. 12 samples shall be taken annually.

4. The treated waste water shall be assumed to conform to the relevant parameters if for each relevant parameter considered individually, samples of the water show that it complies with the relevant parametric value in the following way —

- (a) for the parameters specified in Table 1 of Schedule 1 and in the definition of primary treatment, the maximum number of samples which are allowed to fail the requirements, expressed in concentrations and/or percentage reductions in Table 1 of Schedule 1 and in the definition of primary treatment is 2;
- (b) for the parameters of Table 1 of Schedule 1 expressed in concentrations, the failing samples taken under normal operating conditions shall not deviate from the parametric values by more than 100 per cent. but for the parametric values in concentration relating to total suspended solids deviations of up to 150 per cent. may be accepted;

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- (c) for those parameters specified in Table 2 of Schedule 1 the annual mean of the samples of each parameter shall conform to the relevant parametric values.

5. Extreme values for the water quality in question shall not be taken into consideration when they are the result of unusual situations such as those due to heavy rain.

SCHEDULE 5

Regulation 7

INDUSTRIAL WASTE WATER

Industrial waste water entering a collecting system or a treatment system shall be subject to such pre-treatment as is required in order to—

- (a) protect the health of staff working in collecting or treatment systems;
- (b) ensure that collecting or treatment systems or associated equipment are not damaged;
- (c) ensure that the operation of a waste water treatment system or the treatment of any sludge are not impeded;
- (d) ensure that discharges from a treatment system do not adversely affect the environment, or prevent receiving water from complying with any Community Directive,
- (e) ensure that any sludge can be disposed of safely in an environmentally acceptable manner.

SCHEDULE 6

Regulation 8

INDUSTRIAL SECTORS

1. Milk processing.
2. Manufacture of fruit and vegetable products.
3. Manufacture and bottling of soft drinks.
4. Potato-processing.
5. Meat industry.
6. Breweries.
7. Production of alcohol and alcoholic beverages.
8. Manufacture of animal feed from plant products.
9. Manufacture of gelatine and of glue from hides, skin and bones.
10. Malt-houses.
11. Fish-processing industry.