

This is an unofficial translation. The binding version is the official Hebrew text.

Readers are consequently advised to consult qualified professional counsel before making any decision in connection with the enactment, which is here presented in translation for their general information only.

Prevention of Sea Pollution (Dumping of Waste) Regulations 5744- 1984

By the authority vested in me under Section 15 of the Prevention of Sea Pollution (Dumping of Waste) Law, 1983, (hereinafter "the Law"), and with the approval of the Interior and Environmental Committee of the Knesset, I hereby promulgate the following Regulations:

Definitions

1. In these Regulations --

"The Committee" means the Permits Issue Committee according to Section 3 of the Law.

"Permit" means a permit for dumping of waste into the sea.

Application for permit

2. An application for permit shall be submitted to the Committee in writing and shall include the details specified in Annex 1.

Completion of the application

3. (a) The Committee may request further information from the applicant in addition to information submitted according to Regulation 2, if in its opinion this additional information is necessary for the processing of the application. The Committee may request the applicant to submit data and test results of a research or other institution.

(b) A request as described under Sub-Regulation (a) shall be presented to the applicant not later than 60 days from the submission of the application.

Decision concerning application

4. (a) The Committee shall decide upon an application within 90 days from its submission, and in the case of a request under Regulation 3, from the submission of the additional data requested.

(b) The Committee may approve an application with or without conditions, or may deny it.

Application fee

5. While filing an application for a permit, or for renewal of a permit, the applicant shall pay an application fee in the amount of 13,000 new shekels in a method determined by the comptroller of the Ministry of the Environment. [This amount increases with every increase in the Consumer Price Index.]

Materials prohibited for dumping

6. The Committee shall not allow the dumping into the sea of the materials specified in Annex 2 unless one of the following demands has been met:

(1) The material rapidly becomes harmless in a physical, chemical, or biological process at sea and does not alter edible marine organisms to a state that is inedible, unpalatable or dangerous to human or animal health.

(2) The dumping of a certain amount of material is essential to avoid an emergency situation which may seriously endanger human health, and there is no other way to avoid the emergency situation.

Materials allowed for dumping

7. The Committee may allow the dumping into the sea of:

(1) The materials specified in Annex 3.

(2) Materials not specified in Annex 2 or Annex 3.

Considerations in granting a permit

8. While considering a permit application, the Committee shall regard, inter alia, the considerations detailed in Annex 4.

Types of permits

9. (a) A permit may be general or specific, as detailed hereinafter:

(1) a general permit shall be granted to the dumping of materials not detailed in Annex 2 or 3. A general permit may extend for an unlimited time.

(2) A specific permit shall be granted to the dumping of materials detailed in Annex 3. A specific permit shall be granted for a period not exceeding two years.

(b) In the case of an emergency when there is danger to human life, the Committee may grant an emergency permit in deviation of these instructions.

Instructions in a permit

10. A permit shall contain, inter alia, instructions on the following:

- (1) nature and quantity of the material that may be dumped;
- (2) method of packaging, if extant, while dumping;
- (3) method of dumping;
- (4) location and timing of dumping;
- (5) method of loading and stowing of the material
- (6) route of the vessel or aircraft in transporting the material to the dumping site;
- (7) special precautions to be taken concerning the loading, transporting and dumping.

Monitoring

11. (a) The Committee may include in a permit a requirement to monitor the environmental and health impacts of the dumping, according to a monitoring plan the applicant shall undertake in compliance with the Committee's instructions and with its approval.

(b) The results of the monitoring shall be submitted to the Committee in the manner and time set forth by the monitoring plan.

Report on execution of dumping according to permit

12. (a) A report on the execution of a dumping, according to Section 4 of the Law, shall be submitted to the Committee no later than one month after the execution of the dumping.

(b) The report shall include the following details:

- (1) the number of the permit and date of its issue;
- (2) the name of the vessel's or aircraft's captain while executing the dumping.
- (3) amount of the material actually dumped, and exact location of the dumping site.
- (4) notes and explanations in case of a deviation from permit conditions.
- (5) further details requested under permit conditions.

Report on dumping in case of emergency

13. (a) In the case of a dumping according to Section 8 of the Law, the captain shall report the dumping to the Committee within seven days of the incident. Such a report may be made via telegram, radio or telephone.

(b) In addition to a report as aforementioned in Sub regulation (a), the captain shall report to the Committee within one month of the arrival of the ship in port, and in the case of an aircraft, within one month of its initial report, the following details:

(1) matters specified under Regulation 10;

(2) a description of the circumstances necessitating the dumping.

Copies of transcripts concerning the matter from the vessel's or aircraft's log shall be attached to the report.

Cancellation of a permit

14. The Committee may cancel a permit which it has issued in any of the following circumstances:

(1) Instructions specified in the permit were not followed.

(2) Information has come to the Committee's attention which was not known by the Committee when it issued the permit and if known would have precluded issuance of the permit.

Schedule One

(Regulation 2)

Details to be included in a permit application

1. Name and address of applicant.

2. A physical and chemical description of the material to be dumped:

(a) its technical name (and commercial name, if it exists);

(b) in the description: identification, composition, and accumulative status;

(c) its quantity.

3. (a) The name and address of the manufacturer or processor of the material.

(b) A description of the process which produced the material.

4. A description of the packaging method and type of container which will hold the material to be dumped.

5. A description of the proposed dumping.
- (a) Its time schedule;
 - (b) Location (geographic location and depth).
6. Reasons for applying for a permit to dump, according to the conditions specified in these Regulations.
7. (a) The name and address of the owner of the vessel or aircraft designated to perform the dumping.
- (b) The registration details of the ship or aircraft:
- (1) If a ship: the name of the vessel, port of registration, dead weight and load displacement;
 - (2) If an aircraft: the type, serial number and registration number.
8. General:
- (1) Sufficient physical, chemical and biological information regarding the dumping site to demonstrate its suitability as a dumping site according to the demands specified in Annex 4.
 - (2) Information on prior methods the applicant used to dispose of the same material now proposed for dumping, and the quantity dumped.
 - (3) An explanation of the need for the proposed dumping, and an evaluation of alternatives to the dumping, such as treatment or recycling of the material; including the environmental effects of each of the alternatives.
 - (4) Specification and estimate of the environmental and health impacts predicted as a result of the proposed dumping, including the possible impacts on the exploitation of animate and inanimate marine resources, performance of scientific research, shipping and recreational activities.

Schedule Two

(Regulation 6)

A. Material prohibited to be dumped into the sea.

- 1. Organohalogen compounds and compounds which may form such substances in the marine environment.

2. Organosilicon compounds and compounds which may form such substances in the marine environment.

3. Mercury and mercury compounds.

4. Cadmium and cadmium compounds.

5. Persistent plastic and other persistent synthetic materials which may materially interfere with fishing or navigation, reduce amenities or interfere with other legitimate uses of the sea.

6. Crude oil and hydrocarbons which may be derived from petroleum, and any mixtures containing any of them, taken on board of a vessel or aircraft for the purpose of dumping.

7. Radioactive wastes or radioactive matter to be determined by the committee.

8. Acid and alkaline compounds of such composition and in such quantity that they may seriously impair the quality of the sea.

9. Materials of any accumulative status, or living material, manufactured for biological or chemical warfare.

B. This Annex does not include wastes or other materials such as sewage sludge and dredged spoils which contain minimal amounts of polluting substances as mentioned in Sections (1) to (6) as follows:

(1) Organohalogen compounds -- a quantity less than 0.01 parts of a concentration shown to be toxic to a representative marine organism as the Committee determines according to a test carried out following procedures approved by the Committee.

(2) Mercury and mercury compounds -- a concentration less than 0.75 milligrams per kilogram of solid waste, and less than 1.5 milligrams per kilogram in liquid waste.

(3) Cadmium and cadmium liquids -- a concentration less than 0.6 milligrams per kilogram of solid waste, and less than 0.3 milligrams per kilogram in liquid waste.

(4) Persistent plastic and other persistent synthetic materials pulverized properly in an amount less than 4% of the volume of the waste.

(5) Crude oil and hydrocarbons which may be derived from petroleum, and any mixture containing them -- a quantity that produces less than 10.0 milligrams of solvent materials in normal hexane per kilogram of waste.

Schedule Three

(Regulations 7 and 9(a))

Materials permitted to be dumped into the sea with a specific permit only.

1. (a) Arsenic, lead, copper, zinc, beryllium, chromium, nickel, vanadium, selenium, antimony and their compounds.

(b) Cyanides and fluorides.

(c) Pesticides and their by-products not covered in Annex Two.

(d) Synthetic organic chemicals, other than those referred to in Annex Two, likely to produce harmful effects on marine organisms or to make edible marine organisms unpalatable.

2. Acid and alkaline compounds not included in Annex Two, the composition and quantity of which will be determined by the Committee.

3. Containers, scrap metal and other bulky wastes liable to sink to the sea bottom and which may present a serious obstacle to fishing or navigating.

4. Substances which, though of a non-toxic nature, may become harmful owing to the quantities in which they are dumped, or which are liable to seriously reduce amenities, or to endanger human life or marine organisms, or to interfere with navigation.

5. Radioactive waste or other radioactive matter not included in Annex Two.

Schedule Four

(Regulation 8)

Considerations in granting a permit.

A. Characteristics and composition of the material.

1. Total amount and average composition of the material to be dumped (e.g. per year)

2. Form (e.g. solid, sludge, liquid or gas).

3. Properties: physical (e.g. solubility and density); chemical and biochemical (e.g. oxygen demand, nutrients); and biological (e.g. presence of viruses, bacteria, yeast, or parasites).

4. Toxicity

5. Persistence: physical, chemical and biological.
6. Accumulation and bio-transformation in biological materials or sediments.
7. Susceptibility to physical, chemical and biochemical change and interaction in the aquatic environment with other dissolved organic and inorganic materials.
8. Probability of production of taints or other changes reducing marketability of marine resources (fish, shellfish, etc.)

B. Characteristics of the dumping site and methods of deposit.

1. Location (geographic coordinates of the dumping area, depth, and distance from the coast); location in relation to other areas (e.g. amenity areas, spawning, nursery and fishing areas, and exploitable resources).
2. Rate of disposal per specific period.
3. Methods of packaging and containment, if they exist.
4. Initial dilution achieved by the proposed method of release, particularly the speed of the vessel