

**REPUBLIC OF ALBANIA
THE ASSEMBLY**

**L A W
No. 9115 dated 24. 07. 2003**

**CONCERNING THE
ENVIRONMENTAL TREATMENT OF POLLUTED WATERS**

Based on articles 78 and 83, point 1 of the Constitution, upon proposal from the Council of Ministers

THE ASSEMBLY OF THE REPUBLIC OF ALBANIA

HAS DECIDED AS FOLLOWS:

CHAPTER I

GENERAL STIPULATIONS

Article 1

Purpose

The purpose of this Law is to protect the environment and human health from the negative impact of polluted waters by setting rules for environmental treatment of such waters and defining binding obligations upon subjects who discharge polluted waters in the environment.

Article 2

Object

The object of this law are the following:

- a) polluted urban waters,
- b) polluted industrial waters, according to specific industries;
- c) waters resulting from irrigation of the land;
- d) polluted waters of any kind

Article 3

Definitions

For purposes of this law:

1. "polluted urban water" means used water discharged from households and certain industrial activities. Such waters contain both dissolved and float matter.
2. "polluted household waters" means used water of any kind containing organic, degradable substances, mineral substances, dissolved or float, etc., discharged from plumbing installations of all kinds.
3. "polluted industrial waters" means used waters discharged from commercial and industrial activities.
4. "receiving environment" means sites into which used waters are discharged.
5. "agglomerate-intensive urban zone" means a zone into which the concentration of the population and economic activity necessitates the collection and systematization of

discharged urban liquid waste into one single site or the channeling of such waters into a treatment establishment.

6. "collector system" means a system of pipes, in one part or multipart, which collects and systemizes the discharged polluted urban and industrial waters.

7. "unit for population" is the average pollution for person per day containing 90 gr/day of float substance, 60 gr/day organic matter, 15 gr/day ammonium nitrate and 4gr/day phosphorus.

8. "primary treatment" means treatment of used waters through the physical process of primary decantation which removes 60 per cent of float substance and 20 per cent of NBO₅.

9. "secondary treatment" means the treatment of polluted waters through biological processes, bacteria layers, aired basins, stimulated sedimentation coupled in particular cases with soluble action (decantation/filtration) to bring about de-nitration and de-phosphoration.

10. "appropriate treatment" means the treatment of polluted urban waters through a given process as a result of which the liquid discharges in the receiving waters will not corrupt the quality of receiving water bodies as required by law.

11. "sludge" is the solid and semi solid waste resulting from processes of treatment of polluted waters.

12. "eutrophication" is the enrichment of water ecosystems with nutritious substances, containing primarily nitrate and phosphorus, especially such eco systems in which biological processes bring about a vigorous growth of algae and high forms of plant life generating changes in the quality of water.

13. "estuary" means the transitory zone of water bodies at river deltas.

14. "coastal waters" means the waters outside the line of low waters, or waters outside estuary boundaries.

15. "biological need for oxygen NBO₅" means the amount of oxygen consumed over 5 days by aerobic bacteria in the presence of air. It represents biodegradable organic pollution.

16. "sensitive zones" means zones forming part of naturally sweet water lakes; sweet water bodies destined to be utilized as sources of drinkable water; delta, estuaries and costal waters that have been defined as eutrophic or are identified as potentially eutrophic.

17. "less sensitive zones" means zones forming part of: open bays, deltas and coastal waters of satisfactory water movement and no risk of becoming subject to eutrophication or depletion of oxygen, or that are considered less prone to becoming eutrophicated as a consequence of discharge of polluted waters.

18. "monitoring" is the collection, assessment and generalization of environmental data through continuous or periodic observation of a group of environmental indicators, both qualitative and quantitative, characterizing the environmental elements and their change under the influence of human or natural factors.

Article 4

Duties of state structures

1. The Ministry of Environment, regional agencies and the Environmental Inspectorate, in conjunction with the legal authorities charged with water reserves management, assist the environmental treatment of polluted waters and oversee every stage of the treatment process.

2. State structures, both central and local, each on its own line of power, work closely with the Ministry of Environment to:

a) designate techniques, technologies and best possible methods for the environmental treatment of polluted and used waters in accordance with their nature and kind;

b) design plans for the environmental treatment of polluted waters in a manner integral with the management plans for respective water basins;

- c) create a contemporary legal framework for the environmental treatment of polluted and used waters;
- d) improve the responsible oversight structures;
- e) allocate and efficiently use the earmarked financial resources;
- f) continuously control the activities causing pollution of waters, as well as subjects engaged in water treatment and cleaning.

CHAPTER II

PREVENTION OF POLLUTION AND REDUCTION OF POLLUTED WATERS

Article 5

Purpose of the environmental treatment of polluted waters

The environmental treatment of polluted waters aims at:

- a) reducing production of polluted waters by economic and social activities; reducing the scale of pollution in such waters;
- b) promoting the use of best possible techniques and methods based on environmental standards; endorsing by-laws and regulations setting such standards;
- c) instituting technical and technological safeguards binding upon subjects of this law;
- d) shortening the period of exposure of polluted waters to the environment;
- e) early environmental treatment so that subsequent treatment of polluted waters is not prevented;
- f) reducing to the greatest possible degree the movement of polluted waters; treating such waters closest to the source and at the closest possible cleaning plant;
- g) prevention of environmental pollution caused by polluted waters and containing the harm where pollution there is;
- h) ensuring indemnification of pollution damage and the rehabilitation of the environment from damage caused by physical and legal entities who discharge pollutants over and above prescribed norms.

Article 6

Obligations of physical and legal entities who discharge polluted waters

1. Physical and legal entities, the activity of which discharges polluted waters, are obligated to take measures to:
- a) continuously reduce the amount of used waters they discharge in the receiving environment;
 - b) reduce the degree of pollution in discharged waters, especially such pollution as caused by hazardous substances and waste;
 - c) manage and treat polluted waters by:
 - i) constructing and operating a system of internal pipes;
 - ii) constructing and operating treatment plants in accordance with specific requirements of the respective industry;
 - iii) constructing and operating a network of pipes to dispose polluted urban waters and industrial discharge into the collector;
 - iv) promoting the re-use of treated water;
 - v) treating sludge and solid waste resulting from treatment plants in accordance with requirements and conditions contained in the environmental license;

vi) implementing the legal norms for liquid discharge and using contemporary methods and technologies for treatment of polluted waters.

2. To comply with these obligations, the physical and legal entities whose activities discharge polluted waters must design a program of technical, technological and organizational measures. This program is subject to control by the Environmental Inspectorate, the licensing authority and the local government structures.

Article 7

Obligations of subjects engaged in treatment of polluted waters

1. Physical and legal entities, public or private, national or foreign, that undertake the treatment and cleaning of polluted waters, must ensure:

a) the implementation of technical, methodological and organizational requirements for treating and cleaning polluted waters;

b) implementation of standards and conditions defined in the environmental license;

c) the discharge of treated waters in the receiving environment only if such waters comply with established norms;

d) the training of staff operating plants and installations for treatment and cleaning of polluted waters;

e) the institution and administration of documentation recording the actions and processes carried out relative to treatment and cleaning of polluted waters;

f) book keeping according to the division and classification of polluted waters with regard to quantities, content and cleaning of these waters;

g) treatment of sludge and solid waste resulting from treatment of waters in accordance with the requirements of solid waste management;

h) facilitation of inspector's control;

i) contract agreements with physical and legal entities, public or private, national or foreign, the activity of which produces polluted waters, which contracts define in detail the obligations of sides.

2. Subjects treating polluted waters are responsible for damage caused to human health and natural environment. They are obligated to indemnify the pollution damage and reinstate the environment to its former condition at their own expense. Rules and procedures for damage appraisal and rehabilitation of environment are defined by special ordinances of the Environmental Minister.

CHAPTER III

TREATMENT OF POLLUTED WATERS ACCORDING TO TYPE

Article 8

Treatment of polluted industrial waters

1. Any subject whose activity produces polluted industrial waters is under the obligation to treat these waters in accordance with the specificities of the type of industry.

2. Treatment of polluted industrial waters is a process that involves:

a) preliminary treatment from the activity generating such waters;

b) treatment from physical and legal entities undertaking the cleaning of such waters by installing and operating special treatment plants;

c) prohibition of re-use of treated industrial waters;

d) prohibition of use of sludge remaining after cleaning processes;

e) final depositing of solid waste in specially designated sites.

3. At the end of treatment, as per type of industry, used waters when within allowed norms of purification, may be discharged in running water bodies.

4. Lawful discharges of any production unit or industrial object (project) are envisaged since the design stage and contained in the Environmental Impact Assessment submitted by the proposing subject.

Article 9

Liquid discharges in the industrial zone

1. In industrial zones, special plants are established for the treatment of liquid discharge, in accordance with capacities and particularities of industries operating in the zone (plants of chemical precipitation to treat waste from toxic metal, plants for biological treatment to treat organic waste).

2. Sludge and floats must be minimized; should there be traces of toxic metals they must be eliminated with appropriate methods.

Article 10

Liquid discharges from any process

Liquid discharges resulting from filtrations of deposits of solid waste, from agricultural activities, or any other activity, must not exceed the established norms for liquid discharge as regards any and all types of processes.

Article 11

Environmental treatment of polluted urban waters

1. Urban discharges are subject to preliminary environmental treatment which involves:

a) the construction of necessary infrastructure for movement of polluted waters from the households to the urban pipe system;

b) construction and operation of pipes for liquid discharges in urban and rural areas in accordance with criteria for protection of the environment. The Council of Ministers establishes environmental criteria for construction and operation of pipe systems upon proposal from the Minister of Environment, the Minister of Tourism and Territorial Regulation and the Minister of Health;

c) establishment of other systems to guarantee protection of the environment, in cases of impossibility to construct pipe systems,

d) separate treatment of such waters from other liquid discharges;

e) construction and operation of plants for treatment of such water prior to their discharge into waters bodies;

f) degree of treatment which must correlate to the particularities of the receiving environment where treated urban waters is finally discharged.

2. Requirements of point 1 of this Law are binding in the case of both intensive and non-intensive urban zones.

3. Existing tourist zones and zones with expected tourism development must be equipped with collector systems for liquid urban waste (pipes).

4. Established boundary norms apply for liquid urban waste.

Article 12

Treatment of polluted urban waters

Liquid urban waste is subjected to strict treatment. In addition to primary and secondary treatment, in special cases, it undergoes specific purifying systems.

Article 13

Treatment of polluted urban waters in less sensitive zones

1. Liquid urban discharge in less sensitive areas is subject to primary treatment provided it poses no threat to the receiving environment.

2. If the Environmental Inspectorate finds that liquid urban discharges are threatening the receiving environment, secondary treatment is made obligatory.

Article 14

Identification and designation of zones

1. Identification of sensitive and less sensitive zones takes place no less than once every four years.

2. Designation of sensitive and less sensitive zones is subject to special decision by the Council of Ministers, upon proposal from the Environmental Minister and the Minister of Tourism and Territorial Regulation.

Article 15

Discharges in mountainous zones

Liquid urban discharge in mountainous zones, due to low temperatures which make biological treatment difficult, is subject to physical and chemical treatment provided that negative impacts on the environment are not increased.

Article 16

Permissible norms of liquid discharges

1. Permissible norms of liquid discharges include:

- a) permissible norms for industrial discharges;
- b) permissible norms of discharges from industrial zones;
- c) permissible norms of discharges from any process;
- d) permissible norms of urban discharges.

2. Norms of liquid discharges are endorsed by special decision of the Council of Ministers upon proposal from the Minister of the Environment and the concerned Ministers.

Article 17

Rehabilitation of the receiving environment

In cases when the Environmental Inspectorate finds that permissible norms for discharging liquid waste in the receiving environment have been exceeded, the Inspectorate has the authority to warrant discontinuation of discharges until the polluted environment has been reinstated and evidence supplied that the norms will hereafter be honored.

CHAPTER IV

ENVIRONMENTAL LICENSE

Article 18

Conditions of the environmental license

1. The environmental license for physical or legal entities whose activity results in polluted waters defines:

- a) special conditions for implementation of liquid discharge norms in accordance with the type of the activity;
- b) requirements for construction and operation of an internal system of pipes;
- c) requirements for primary treatment of polluted waters;
- d) measures for prevention of pollution to the environment by such activities;
- e) information on the collector where treated waters may be discharged and the regime for such discharge;
- f) book keeping;
- g) the obligation to monitor and publish the result of discharge monitoring.

2. Physical and legal entities undertaking the treatment and cleaning of polluted waters should obtain an environmental license which defines:

- a) requirements, terms and conditions for construction sites of plants and installations for water purification operations;
- b) the type of plant or plants to be used;
- c) methods, techniques and technologies to be used by such plants and manner of operation;
- d) established norms of liquid discharge following prior treatment of waters;
- e) information about receiving environment and regimen of the discharge;
- f) requirements for environmental treatment of sludge resulting from treatment of polluted waters as dictated by nature, content and amount of sludge;
- g) book keeping rules;
- h) obligation to monitor and publish monitoring data.

Article 19

Exemption from tariff

Physical or legal entities in the business of treating polluted waters are exempt from service tariffs applicable to subjects of environmental licenses.

CHAPTER V

MONITORING

Article 20

1. Physical or legal entities whose activities discharge polluted waters and those who have undertaken the treatment of liquid urban, household, industrial discharge, as well as discharge from any process, are under the obligation to institute and carry out the monitoring of these activities at their own expense.

2. For purposes of monitoring, the physical and legal entities hire and train adequate staff or contract specializing institutes engaged in the implementation of the National Environment Monitoring Program.

3. Monitoring is mandatory for every stage of treatment of liquid discharge including discharge in the receiving environment.

4. Monitoring of own activity must be carried out in accordance with the requirements of the National Monitoring Program as well as in accordance with the individual monitoring program which the physical and legal entity must submit as part of the application for the environmental license.

5. Individual programs should include:

a) specific information on modern methods used in accordance with the properties of discharged liquids;

b) periodicity of measurements and points of sample extraction in accordance with the capacity of the treating plant and the particularities of the receiving environment.

CHAPTER VI

CONTROL

Article 21

1. The Environmental Inspectorate, the licensing authority, the sanitary inspectorate and the Municipal Inspectorate control the implementation of liquid discharge norms.

2. Environmental Inspectorate controls the implementation of requirements and conditions for environmental treatment of polluted waters enshrined in the environmental license.

CHAPTER VII

SANCTIONS

Article 22

Prohibited actions

The following actions are prohibited in the territory of the Republic of Albania:

a) discharge on the ground or in water bodies of waters polluted beyond limits established for liquid discharges;

b) treatment and purification of polluted waters outside sites designated for this purpose;

c) treatment and purification of polluted waters by unlicensed physical and legal entities;

d) treatment and purification of polluted waters with inappropriate techniques and technologies not endorsed by legal acts;

e) mixture with water bodies of liquid discharge from deposited solid waste or from landfills;

f) use of polluted waters for any purpose or activity.

Article 23

Administrative infringements

1. In cases when violation of the requirements of this law constitutes a penal offense as qualified in the Criminal Code Chapter "Criminal offenses against the

environment” the Environmental Inspectorate institutes legal charges.

2. When not a criminal offence, the breaches of the requirements of this law, qualify as administrative infringements, in such cases as described below:

a) carrying out activities which produce polluted waters without proper licensing; unlicensed activity of treatment and purification of polluted;

b) failure to comply with the requirements and conditions set in the environmental license for the environmental management of polluted and used waters;

c) failure to conduct primary treatment of liquid discharge from activities producing polluted waters;

d) uncontrollable discharges of polluted waters, in cases of lack of internal pipes inside the territory of the activity; in case of non existing pipe systems from the activity to the collector; or in cases such systems are out of service;

e) failure to install and operate plants for treating liquid discharge inside the activity or in the activities that have undertaken the treatment and purification of polluted waters;

f) violation of rules and requirements for the operation of plants and installations from treatment and purification of polluted waters:

g) non-compliance with book keeping rules for liquid discharge;

h) non-compliance with monitoring obligations;

i) failure to publish information; withholding monitoring data;

j) failure to inform the population with regard to polluted waters risk and potential threat to human health, as well as safety measures to be taken to ensure protection from discharges beyond and above permissible norms.

Article 24

Fines for administrative infringements and other sanctions

1. In cases of administrative infringements described in article 23 of this Law, the Environmental Inspectorate administers fines as follows:

a) for letters "g, "h, "i" and "j" from 100 000 up to 300 000 leks;

b) for letters "a", "b", "c" and "f" from 300 000 up to 500 000 leks;

c) for letters "d" and "e" from 500 000 up to 1 000 000 leks.

2. Besides fining, the Environmental Inspectorate may decide the temporary or permanent closure of the activity depending on degree of pollution and damage caused.

3. Review of administrative infringement is subject to law no. 7697 dated 7. 04. 1993 “Concerning administrative infringement”, together with amendments.

Article 25

Appeal

1. The decision of the Environmental Inspectorate may be appealed at the Minister of Environment within 10 days from its date of communication. The Minister must respond to the appeal within 15 days from the date of submission.

2. Decision of the Environmental Minister, or if the Minister does not respond within the 15 days, complaint against punishment may be pressed at the local court of justice within 30 days from the notification date.

Article 26

Enactment of by-laws

1. The Council of Ministers is hereby charged to enact by laws to the effect of the implementation of article 11, point 1, letter “b”, article 14, point 2 and article 16

point 2 of this law within 3 months of approval by the Parliament.

2. The Environmental Minister is hereby charged to enact by-laws to implement point 2 of article 7 of this law within three months of approval by Parliament.

Article 27

This law enters into force 15 days following its publication in the Official Gazette.

CHAIRMAN
Servet Pöllumbi